

1 BILL LOCKYER, Attorney General  
of the State of California  
2 HANNAH HIRSCH ROSE, State Bar No. 56276  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5515  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2452

11 DEO VICTOR MARTIN  
2645 Market Street, #102  
12 San Francisco, California 94114

OAH No. N2002030116

13 Pharmacist License No. RPH 47284

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Respondent.

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

21 PARTIES

22 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
24 by Bill Lockyer, Attorney General of the State of California, by Hannah Hirsch Rose, Deputy  
25 Attorney General.

26 2. Respondent Deo Victor Martin (Respondent) is represented in this  
27 proceeding by attorney David J. Bills, whose address is RUST, ARMENIS, SCHWARTZ,  
28

1 LAMB & BILLS, 4380 Auburn Blvd., Sacramento, California 95841.

2 3. On or about August 4, 1994, the Board of Pharmacy issued Pharmacist  
3 License No. RPH 47284 to Deo Victor Martin (Respondent). The license will expire on  
4 September 30, 2003.

5 JURISDICTION

6 4. Accusation No. 2452 was filed before the Board of Pharmacy (Board),  
7 Department of Consumer Affairs,, and is currently pending against Respondent. The Accusation  
8 and all other statutorily required documents were properly served on Respondent on February 6,  
9 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of  
10 Accusation No. 2452 is attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and  
13 understands the charges and allegations in Accusation No. 2452. Respondent has also carefully  
14 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
15 Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
18 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
19 the right to present evidence and to testify on his own behalf; the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in  
27 Accusation No. 2452.

28 9. Respondent agrees that his Pharmacist License is subject to discipline and

1 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
2 Order below.

3 RESERVATION

4 10. The admissions made by Respondent herein are only for the purposes of  
5 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional  
6 licensing agency is involved, and shall not be admissible in any other criminal or civil  
7 proceeding.

8 CONTINGENCY

9 11. This stipulation shall be subject to approval by the Board of Pharmacy.  
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
11 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
12 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
13 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind  
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
15 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
17 between the parties, and the Board shall not be disqualified from further action by having  
18 considered this matter.

19 12. The parties understand and agree that facsimile copies of this Stipulated  
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
21 force and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties  
23 agree that the Board may, without further notice or formal proceeding, issue and enter the  
24 following Disciplinary Order:

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Pharmacist License No. RPH 47284 issued to  
27 Respondent Deo Victor Martin is revoked. However, the revocation is stayed and Respondent is  
28 placed on probation for five (5) years on the following terms and conditions.

1                   1.       **Actual Suspension - Pharmacist.** License number RPH 47284, issued to  
2 Respondent Deo Victor Martin is suspended for a period of ninety (90) days at least and during  
3 which time he shall be evaluated by the Pharmacists Recovery Program for a determination by  
4 that program whether or not he is safe to practice. Respondent shall be suspended until such time  
5 as the Pharmacists Recovery Program has determined that he is safe to practice, but in no case for  
6 less than ninety (90) days.

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

15                   Respondent shall not engage in any activity that requires the professional  
16 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of  
17 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for  
18 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to  
19 own or hold an interest in any pharmacy in which he holds an interest at the time this decision  
20 becomes effective unless otherwise specified in this order.

21                   2.       **Obey All Laws.** Respondent shall obey all state and federal laws and  
22 regulations substantially related to or governing the practice of pharmacy.

23                   Respondent shall report any of the following occurrences to the Board, in writing,  
24 within 72 hours of such occurrence:

- 25                   •       an arrest or issuance of a criminal complaint for violation of any provision of the  
26 Pharmacy Law, state and federal food and drug laws, or state and federal  
27 controlled substances laws
- 28                   •       a plea of guilty or nolo contendere in any state or federal criminal proceeding to

1 any criminal complaint, information or indictment

- 2 • a conviction of any crime
- 3 • discipline, citation, or other administrative action filed by any state and federal
- 4 agency which involves Respondent's license or which is related to the practice
- 5 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 6 or charging for any drug, device or controlled substance.

7 3. **Reporting to the Board.** Respondent shall report to the Board  
8 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
9 shall state under penalty of perjury whether there has been compliance with all the terms and  
10 conditions of probation. If the final probation report **is not** made as directed, probation shall  
11 be extended automatically until such time as the final report is made and accepted by the  
12 Board.

13 4. **Interview with the Board.** Upon receipt of reasonable notice,  
14 Respondent shall appear in person for interviews with the Board upon request at various  
15 intervals at a location to be determined by the Board. Failure to appear for a scheduled  
16 interview without prior notification to Board staff shall be considered a violation of probation.

17 5. **Cooperation with Board Staff.** Respondent shall cooperate with the  
18 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
19 compliance with the terms and conditions of his probation. Failure to comply shall be  
20 considered a violation of probation.

21 6. **Continuing Education.** Respondent shall provide evidence of efforts  
22 to maintain skill and knowledge as a pharmacist as directed by the Board.

23 7. **Notice to Employers.** Respondent shall notify all present and  
24 prospective employers of the decision in case number 2452 and the terms, conditions and  
25 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
26 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
27 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
28 writing acknowledging the employer has read the decision in case number 2452.

1 If Respondent works for or is employed by or through a pharmacy employment  
2 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
3 every pharmacy of the and terms conditions of the decision in case number 2452 in advance of  
4 the Respondent commencing work at each pharmacy.

5 "Employment" within the meaning of this provision shall include any full-time, part-  
6 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
7 Respondent is considered an employee or independent contractor.

8 **8. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
9 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
10 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
11 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
12 order.

13 **9. Reimbursement of Board Costs.** Respondent shall pay to the Board  
14 its costs of investigation and prosecution in the amount of \$4182.00. Respondent shall make  
15 said payments as follows: Payment shall be made in monthly payments of \$100.00 per month,  
16 due and payable to the Board by the fifteenth day of the month, beginning the second month  
17 after the effective date of the Board's Decision and continuing until cost recovery is paid in  
18 full. Respondent shall note on each check in payment that this is for cost recovery in case no.  
19 2452.

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

22 **10. Probation Monitoring Costs.** Respondent shall pay the costs  
23 associated with probation monitoring as determined by the Board each and every year of  
24 probation. Such costs shall be payable to the Board at the end of each year of probation.  
25 Failure to pay such costs shall be considered a violation of probation.

26 **11. Status of License.** Respondent shall, at all times while on probation,  
27 maintain an active current license with the Board, including any period during which  
28 suspension or probation is tolled.

1           If Respondent's license expires or is canceled by operation of law or otherwise,  
2 upon renewal or reapplication, Respondent's license shall be subject to all terms and  
3 conditions of this probation not previously satisfied.

4           **12. License Surrender while on Probation/Suspension.** Following the  
5 effective date of this decision, should Respondent cease practice due to retirement or health,  
6 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
7 tender his license to the Board for surrender. The Board shall have the discretion whether to  
8 grant the request for surrender or take any other action it deems appropriate and reasonable.  
9 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject  
10 to the terms and conditions of probation.

11           Upon acceptance of the surrender, Respondent shall relinquish his pocket  
12 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
13 Respondent may not reapply for any license from the Board for three years from the effective  
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
15 as of the date the application for that license is submitted to the Board.

16           **13. Notification of Employment/Mailing Address Change.** Respondent  
17 shall notify the Board in writing within 10 days of any change of employment. Said  
18 notification shall include the reasons for leaving and/or the address of the new employer,  
19 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
20 writing within 10 days of a change in name, mailing address or phone number.

21           **14. Tolling of Probation.** Should Respondent, regardless of residency, for  
22 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in  
23 California, Respondent must notify the Board in writing within 10 days of cessation of the  
24 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
25 shall not apply to the reduction of the probation period. It is a violation of probation for  
26 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
27 period exceeding three years.

28           "Cessation of practice" means any period of time exceeding 30 days in which

1 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of  
2 the Business and Professions Code.

3 Respondent shall work at least 40 hours in each calendar month as a pharmacist and at least an  
4 average of 80 hours per month in any six consecutive months. Failure to do so will be a  
5 violation of probation. If Respondent has not complied with this condition during the  
6 probationary term, and Respondent has presented sufficient documentation of his good faith  
7 efforts to comply with this condition, and if no other conditions have been violated, the Board,  
8 in its discretion, may grant an extension of Respondent's probation period up to one year  
9 without further hearing in order to comply with this condition.

10

11 15. **Violation of Probation.** If Respondent violates probation in any  
12 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
13 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
14 probation or an accusation is filed against Respondent during probation, the Board shall have  
15 continuing jurisdiction and the period of probation shall be extended, until the petition to  
16 revoke probation or accusation is heard and decided.

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

22 16. **Completion of Probation.** Upon successful completion of probation,  
23 Respondent's license will be fully restored.

24 17. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**  
25 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
26 Recovery Program for evaluation and shall successfully participate in and complete the  
27 treatment contract and any subsequent addendums as recommended and provided by the PRP  
28 and as approved by the Board. The costs for PRP participation shall be borne by the

1 Respondent.

2           If Respondent is currently enrolled in the PRP, said participation is now  
3 mandatory and is no longer considered a self-referral under Business and Professions Code  
4 section 4363, as of the effective date of this decision. Respondent shall successfully  
5 participate in and complete his current contract and any subsequent addendums with the PRP.  
6 Probation shall be automatically extended until Respondent successfully completes his  
7 treatment contract. Any person terminated from the program shall be automatically suspended  
8 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified  
9 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate  
10 probation for any violation of this term.

11           18.     **Random Drug Screening.** Respondent, at his own expense, shall  
12 participate in random testing, including but not limited to biological fluid testing (urine,  
13 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.  
14 The length of time shall be for the entire probation period and the frequency of testing will be  
15 determined by the Board. At all times Respondent shall fully cooperate with the Board, and  
16 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,  
17 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as  
18 directed shall constitute a violation of probation. Any confirmed positive drug test shall result  
19 in the immediate suspension of practice by Respondent. Respondent may not resume the  
20 practice of pharmacy until notified by the Board in writing.

21           19.     **Abstain from Drugs and Alcohol Use.** Respondent shall completely  
22 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their  
23 associated paraphernalia except when the drugs are lawfully prescribed by a licensed  
24 practitioner as part of a documented medical treatment. Upon request of the Board,  
25 Respondent shall provide documentation from the licensed practitioner that the prescription  
26 was legitimately issued and is a necessary part of the treatment of the Respondent.

27           20.     **Supervised Practice.** Respondent shall practice only under the  
28 supervision of a pharmacist not on probation with the Board. Respondent shall not practice

1 until the supervisor is approved by the Board. The supervision shall be, as required by the  
2 Board, either:

3                   Continuous - 75% to 100% of a work week

4                   Substantial - At least 50% of a work week

5                   Partial - At least 25% of a work week

6                   Daily Review - Supervisor's review of probationer's daily activities within 24  
7                   hours

8                   Within 30 days of the effective date of this decision, Respondent shall have his supervisor  
9                   submit notification to the Board in writing stating the supervisor has read the decision in case  
10                  number 2452 and is familiar with the level of supervision as determined by the Board.

11                  If Respondent changes employment, Respondent shall have his new supervisor,  
12                  within 15 days after employment commences, submit notification to the Board in writing  
13                  stating the direct supervisor and pharmacist-in-charge have read the decision in case number  
14                  2452 and is familiar with the level of supervision as determined by the Board.

15                  Within 10, days of leaving employment, Respondent shall notify the Board in  
16                  writing.

17                  21.     **Tolling of Suspension.** If Respondent leaves California to reside or  
18                  practice outside this state, for any period exceeding 10 days (including vacation), Respondent  
19                  must notify the Board in writing of the dates of departure and return. Periods of residency or  
20                  practice outside the state - or any absence exceeding a period of 10 days shall not apply to the  
21                  reduction of the suspension period.

22                  Respondent shall not practice pharmacy upon returning to this state until  
23                  notified by the Board that the period of suspension has been completed.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David J. Bills. 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: July 26, 2002

*Deo Victor Martin*

DEO VICTOR MARTIN  
Respondent

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

DATED: July 27, 2002

*David J. Bills*  
DAVID J. BILLS  
Attorney for Respondent

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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 1, 2002.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
HANNAH HIRSCH ROSE  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03583110-SF2001AD1220  
Stipulation 8/31/01

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

In the Matter of the Accusation Against:

DEO VICTOR MARTIN  
2645 Market Street, #102  
San Francisco, California 94114

Pharmacist License No. RPH 47284

Respondent.

Case No. 2452

OAH No. N2002030116

DECISION AND ORDER

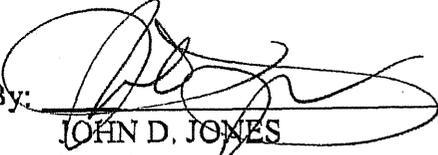
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 13, 2002.

It is so ORDERED September 13, 2002.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By: \_\_\_\_\_

  
JOHN D. JONES  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 HANNAH HIRSCH ROSE, State Bar No. 56276  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
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Telephone: (415) 703-5515  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

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In the Matter of the Accusation Against:

DEO VICTOR MARTIN,  
2645 Market Street, #102  
San Francisco, California 94114

Pharmacist License No. RPH 47284

Respondent.

Case No. 2452

OAH No.

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

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Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about August 4, 1994, the Board of Pharmacy issued Pharmacist License No. RPH 47284 to Deo Victor Martin (Respondent). Respondent's Pharmacist License expired on September 30, 2001, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), under the authority of the following sections of the Business and Professions Code (Code).

4. Section 118(b) of the Code states, in pertinent part, that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of

1 jurisdiction to proceed with a disciplinary action during the period within which the license may  
2 be renewed, restored, reissued or reinstated.

3           5.       Section 4402(a) of the Code states that any pharmacist license that is not  
4 renewed within three years following its expiration may not be renewed, restored, or reinstated  
5 and shall be canceled by operation of law at the end of the three-year period.

6           6.       Section 4301 of the Code states in relevant part that the Board shall take  
7 action against any holder of a license who is guilty of unprofessional conduct or whose license  
8 has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct  
9 shall include, but is not limited to, any of the following:

10                   ...

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

14                   (g) Knowingly making or signing any certificate or other document that falsely  
15 represents the existence or nonexistence of a state of facts.

16                   (h) The administering to oneself, of any controlled substance, or the use of any  
17 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous  
18 or injurious to oneself, to a person holding a license under Chapter 9 (commencing with  
19 Section 4000) of the Business and Professions Code, or to any other person or to the  
20 public, or to the extent that the use impairs the ability of the person to conduct with safety  
21 to the public the practice authorized by the license.

22                   ...

23                   (j) The violation of any of the statutes of this state or of the United States  
24 regulating controlled substances and dangerous drugs.

25                   (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
26 abetting the violation of or conspiring to violate any provision or term of Chapter 9  
27 (commencing with Section 4000) of the Business and Professions Code or of the  
28 applicable federal and state laws and regulations governing pharmacy, including

1 regulations established by the Board.

2 7. Section 4333(a) of the Code states that all prescriptions filled by a  
3 pharmacy and all other records required by section 4081 shall be maintained on the premises and  
4 available for inspection by authorized officers of the law for a period of at least three years. In  
5 cases here the pharmacy discontinues business, these records shall be maintained in a board-  
6 licensed facility for at least three years.

7 8. Section 4059 of the Code states, in pertinent part, that no person shall  
8 furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist,  
9 optometrist, or veterinarian. No person shall furnish any dangerous device, except upon the  
10 prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

11 9. Section 4060 of the Code states, in pertinent part, that no person shall  
12 possess any controlled substance, except that furnished to a person upon the prescription of a  
13 physician ....or furnished pursuant to a drug order issued by a physician assistant pursuant to  
14 Section 3502.1 or a nurse practitioner pursuant to Section 2836.1.

15 10. Section 11170 of the Health and Safety Code states that no person shall  
16 prescribe, administer, or furnish a controlled substance for himself.

17 11. Section 11173(a)(b) of the Health and Safety Code states, in relevant part,  
18 that:

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

22 (b) No person shall make a false statement in any prescription, order,  
23 report, or record, required by this division.

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

28 //





1 benefit of authorized prescriptions as set forth in paragraphs 14a and 14b above.

2 FOURTH CAUSE FOR DISCIPLINE

3 (Unprofessional Conduct - Possession of Controlled Substances)

4 18. Respondent is subject to disciplinary action under sections 4060, 4301(j)  
5 and 4301(o) of the Code in that respondent possessed controlled substances without benefit of  
6 authorizing prescriptions as set forth in paragraphs 14a and 14b, above.

7 FIFTH CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct - Records)

9 19. Respondent is subject to disciplinary action under sections 4333(a) of the  
10 Code in that respondent deleted a prescription from his employer pharmacy's computerized  
11 prescription records as set forth in paragraph 14a, above.

12 PRAYER

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

- 15 1. Revoking or suspending Pharmacist License No. RPH 47284, issued to  
16 Deo Victor Martin;
- 17 2. Ordering Deo Victor Martin to pay the Board of Pharmacy the reasonable  
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
19 Code section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 1/31/02

22  
23   
24 PATRICIA F. HARRIS  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
Complainant