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6 **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 ) No. 2453  
Against: )  
12 )  
13 LAWRENCE ERNEST PATTERSON, )  
also known as LARRY PATTERSON )  
714 East Federal Street )  
14 ~~Spearfish, South Dakota 57783~~ )  
and )  
15 4011 West Faidley Avenue )  
Grand Island, Nebraska 68803 )  
16 )  
Licentiate No. RPH 27863 )  
17 )  
Respondent. )  
18 \_\_\_\_\_ )

**STIPULATION,  
DECISION AND ORDER**

19 Respondent LAWRENCE ERNEST PATTERSON and complainant Patricia F.  
20 Harris, Executive Officer, Board of Pharmacy, Department of Consumer Affairs, State of California,  
21 through her counsel, Deputy Attorney General Diana Woodward Hagle, hereby stipulate that the  
22 following matters are true:

- 23 1. Respondent is a licensee of the Board of Pharmacy (hereinafter "Board") and  
24 has been duly served with the Accusation on file and pending in Case No. 2453 and supporting  
25 documents. A copy of the Accusation is attached hereto as though set forth at length herein.  
26 Respondent is subject to the jurisdiction of the Board in regard to the matters alleged in the  
27 Accusation.  
28 2. Respondent understands the nature of the charges alleged in the Accusation,



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

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

14 B. REPORTING TO THE BOARD

15 Respondent shall report to the Board quarterly. The report shall be made either in  
16 person or in writing, as directed. Respondent shall state under penalty of perjury whether there has  
17 been compliance with all the terms and conditions of probation. If the final probation report is **not**  
18 made as directed, probation shall be extended automatically until such time as the final report is  
19 made and accepted by the Board.

20 C. COOPERATION WITH BOARD STAFF

21 Respondent shall cooperate with the Board's inspectional program and in the Board's  
22 monitoring and investigation of respondent's compliance with the terms and conditions of his  
23 probation. Failure to cooperate shall be considered a violation of probation.

24 D. REIMBURSEMENT OF BOARD COSTS

25 Respondent shall pay to the Board its costs of investigation and prosecution in the  
26 amount of One Thousand Two Hundred Sixty Dollars (\$1,260.00). This payment shall be made  
27 within thirty (30) days of the effective date of this Decision. The payment shall be made by certified  
28 or cashiers' check or money order payable to "California Board of Pharmacy" and mailed or  
delivered to the Board offices at 400 "R" Street, Suite 4070, Sacramento, CA 95814.

The filing of bankruptcy by respondent shall not relieve respondent of his  
responsibility to reimburse the Board its costs of investigation and prosecution.

1 E. STATUS OF LICENSE

2 Respondent shall, at all times while on probation, maintain an active current license  
3 with the Board, including any period during which suspension or probation is tolled.

4 If respondent's license expires or is cancelled by operation of law or otherwise, upon  
5 renewal or reapplication, respondent's license shall be subject to all terms and conditions of this  
6 probation not previously satisfied.

7 F. TOLLING OF PROBATION

8 Should respondent, regardless of residency, for any reason cease practicing pharmacy  
9 for a minimum of 80 hours per calendar month, respondent must notify the Board in writing within  
10 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy.  
11 Such periods of time shall not apply to the reduction of the probation period. It is a violation of  
12 probation for respondent's probation to remain tolled pursuant to the provisions of this condition for  
13 a period exceeding three years.

14 "Cessation of practice" means any period of time exceeding 30 days in which  
15 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business  
16 and Professions Code.

17 G. NOTIFICATION OF CALIFORNIA PRACTICE

18 Respondent shall notify the Board in writing immediately upon commencing the  
19 practice of pharmacy in California.

20 2. Should respondent commence the practice of pharmacy in California, he shall  
21 comply with the following additional terms and conditions of probation:

22 A. INTERVIEW WITH THE BOARD

23 Upon receipt of reasonable notice, respondent shall appear in person for interviews  
24 with the Board upon request at various intervals at a location to be determined by the Board. Failure  
25 to appear for a scheduled interview without prior notification to Board staff shall be considered a  
26 violation of probation.

27 B. CONTINUING EDUCATION

28 Respondent shall provide evidence of efforts to maintain skill and knowledge as a

1 pharmacist as directed by the Board.

2 C. NOTICE TO EMPLOYERS

3 Respondent shall notify all present and prospective employers of the Decision in Case  
4 No. 2453 and the terms, conditions and restrictions imposed on respondent by the decision.

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15)  
6 days of respondent undertaking new employment, respondent shall cause his direct supervisor,  
7 pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer has  
8 read the Decision in Case No. 2453.

9 If respondent works for or is employed by or through a pharmacy employment  
10 service, respondent must notify the direct supervisor, pharmacist-in-charge and/or owner at every  
11 pharmacy of the terms and conditions of the Decision in Case No. 2453 in advance of respondent  
12 commencing work at each pharmacy.

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

16 D. NO PRECEPTORSHIPS, SUPERVISION OF INTERNS,  
17 BEING PHARMACIST-IN-CHARGE (PIC), OR SERVING AS A  
18 CONSULTANT

19 Respondent shall not supervise any intern pharmacist or perform any of the duties of a  
20 preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the Board  
21 unless otherwise specified in this order.

22 E. PROBATION MONITORING COSTS

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

26 F. LICENSE SURRENDER WHILE ON PROBATION

27 Following the effective date of this decision, should respondent cease practice due to  
28 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
respondent may tender his license to the Board for surrender. The Board shall have the discretion

1 whether to grant the request for surrender or take any other action it deems appropriate and  
2 reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be  
3 subject to the terms and conditions of probation.

4           Upon acceptance of the surrender, respondent shall relinquish his pocket license to  
5 the Board with 10 days of notification by the Board that the surrender is accepted. Respondent may  
6 not reapply for any license from the Board for three years from the effective date of the surrender.  
7 Respondent shall meet all requirements applicable to the license sought as of the date the application  
8 for that license is submitted to the Board.

9           G. NOTIFICATION OF EMPLOYMENT/MAILING ADDRESS CHANGE

10           Respondent shall notify the Board in writing within ten (10) days of any change of  
11 employment. The notification shall include the reasons for leaving and/or the address of the new  
12 employer, supervisor or owner and work schedule if known.

13           Respondent shall notify the Board in writing within ten (10) days of a change in  
14 name, mailing address or phone number.

15           2. VIOLATION OF PROBATION

16           If respondent violates probation in any respect, the Board, after giving respondent  
17 notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order  
18 which was stayed. If a petition to revoke probation or an accusation is filed against respondent  
19 during probation, the Board shall have continuing jurisdiction, and the period of probation shall be  
20 extended, until the petition to revoke probation or accusation is heard and decided.

21           If a respondent has not complied with any term or condition of probation, the Board  
22 shall have continuing jurisdiction over respondent, and probation shall automatically be extended  
23 until all terms and conditions have been met or the Board has taken other action as deemed  
24 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to  
25 impose the penalty which was stayed (revocation).

26           Prior to the end of probation, and as a condition of completing probation, respondent  
27 shall provide the Board with written verifications from each state in which he is licensed to practice

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1 pharmacy that he has successfully completed probation in each state and that there are no  
2 disciplinary actions pending against his license.

3           Should respondent petition the Board for early termination of probation or  
4 modification of probation pursuant to Business and Professions Code section 4309, the verified  
5 recommendations required to support such a petition [section 4309(b)] shall be from holders of  
6 licenses issued by the North Dakota State Board of Pharmacy or the South Dakota State Board of  
7 Pharmacy (the jurisdictions in which the disciplinary penalties alleged in the Accusation were  
8 imposed), in lieu of holders of California licenses as stated in the statute.

9           3.       COMPLETION OF PROBATION

10                   Upon successful completion of probation, respondent's license will be fully  
11 restored.

12 DATED: 4/16, 2002.

13                                   BILL LOCKYER, Attorney General  
14                                   of the State of California

15                                   DIANA WOODWARD HAGLE  
16                                   Deputy Attorney General

17                                     
18                                   DIANA WOODWARD HAGLE

19                                   Attorneys for Complainant  
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1 I hereby state that I have read this Stipulation and Decision and Order in its entirety,  
2 that I understand the allegations of the Accusation and the legal significance and consequences of  
3 signing this Stipulation, that I fully understand all of it, and agree to be bound by the terms of this  
4 document.

5 I further understand that the Decision and Order, if adopted by the California Board of  
6 Pharmacy, will result in my license being placed on probation and that the Decision and Order is a  
7 record of discipline and shall be reported as such.

8  
9 DATED: April 9<sup>TH</sup>, 2002.

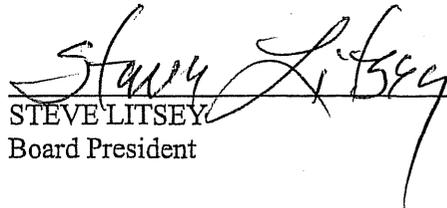
10 Lawrence Ernest Patterson, Pharm.D., MBA  
11 LAWRENCE ERNEST PATTERSON  
12 Respondent  
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DECISION AND ORDER

The above Stipulation has been adopted and shall become the Decision of the Board  
of Pharmacy of the State of California effective July, 2002.

IT IS SO ORDERED this 4th day of June, 2002.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By:   
STEVE LITSEY  
Board President

03583-110  
SA2001AD1547  
04/02/2002

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of the State of California  
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6 **Attorneys for Complainant**

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

10 In the Matter of the Accusation Against: )

No. 2453

11 LAWRENCE ERNEST PATTERSON,  
also known as LARRY PATTERSON )  
12 714 East Federal Street )  
Spearfish, South Dakota 57783 )

ACCUSATION

13 Licentiate No. RPH 27863 )

14 Respondent )  
15

16  
17 Patricia F. Harris, for causes for discipline, alleges:

18 1. Complainant, Patricia F. Harris, makes and files this Accusation in her  
19 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs,  
20 State of California, and not otherwise.

21 2. On or about July 14, 1972, the Board of Pharmacy (hereinafter referred to  
22 as "Board") issued Original Licentiate Number RPH 27863 to Lawrence Ernest Patterson  
23 (hereinafter, "respondent"). The license was in full force and effect at all times pertinent herein  
24 and has been renewed through October 31, 2001.

25 3. Business and Professions Code section 4300(a)<sup>1/</sup> provides that the Board  
26 may take disciplinary action against any license issued by the Board.  
27

28 1. Hereinafter, unless otherwise indicated, section references are to the California  
Business and Professions Code.

1 Section 4301 provides that the Board shall take action against any licensee who is  
2 guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the  
3 revocation, suspension or other discipline by another state of a license to practice pharmacy  
4 [section 4301(n)].

5 4. Under section 118(b), the expiration of a license shall not deprive the  
6 Board of jurisdiction to proceed with a disciplinary action during the period within which the  
7 license may be renewed, restored, reissued or reinstated. Section 4402(a) provides that a  
8 pharmacist license may be renewed within three years following its expiration and section  
9 4402(d) provides that the Board has authority to proceed with an accusation filed prior to the  
10 expiration of the three-year period.

11 5. Additionally, under section 125.3, the Board may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations  
13 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case.

15 6. DRUG

16 "Celebrex" (celecoxib) is a non-steroidal anti-inflammatory analgesic (relieves  
17 pain) and anti-pyretic (reduces fever) used in the treatment of arthritis. It is a dangerous drug  
18 which requires a prescription pursuant to Business and Professions Code section 4022.

19 North Dakota Discipline

20 7. Respondent has subjected his license to discipline under section 4301(n) in  
21 that on May 18<sup>th</sup>, 2000, in In the Matter of the Certificate Registration of Larry Patterson as a  
22 Licensed Pharmacist Entitled to Practice Pharmacy in the State of North Dakota (Administrative  
23 Case No. 2000-01), the North Dakota State Board of Pharmacy entered an Order placing  
24 respondent's license to practice pharmacy in that state (North Dakota Certificate No. 4729) on  
25 probation for three (3) years, on terms and conditions, by adopting a Stipulation and Settlement  
26 Agreement in which respondent agreed to the discipline.

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1 In that Stipulation, respondent acknowledged the accuracy of the matters alleged  
2 in the Complaint and Statement of Charges (dated January 5<sup>th</sup>, 2000) including, inter alia, that he  
3 engaged in unprofessional conduct in that (1) he was convicted of “dispensing drugs without a  
4 prescription” (a Class B Misdemeanor) in Adams County District Court, Hettinger, North  
5 Dakota, on September 23<sup>rd</sup>, 1999; and (2) at an unknown time, he made prescription errors which  
6 indicated that he was subject to incapacity of a nature that prevented him from engaging in the  
7 practice of pharmacy with reasonable skill, competence and safety to the public.

8 The circumstances of the misdemeanor were that respondent dispensed Celebrex  
9 without a prescription for his own use.

10 South Dakota Discipline

11 8. Respondent has subjected his license to discipline under section 4301(n) in  
12 that on June 28<sup>th</sup>, 1996, in In the Matter of the Certificate of Registration as a Licentiate in  
13 Pharmacy of Lawrence Ernest Patterson, No. 3919 (Case No. unknown), the South Dakota State  
14 Board of Pharmacy entered an Order placing respondent’s license to practice pharmacy in that  
15 state (South Dakota Licentiate No. 3919) on probation until May 10, 2001, on terms and  
16 conditions, by adopting a Stipulation for Entry of Consent Order in which respondent agreed to  
17 the discipline.

18 In that Stipulation, respondent admitted the following: (1) that on May 29<sup>th</sup>, 1996,  
19 he pled guilty to the charge of driving while under the influence of an alcoholic beverage, a Class  
20 I misdemeanor, in Lawrence County (South Dakota) court; and (2) that from December of 1995  
21 to March of 1996, he dispensed for family members and personally consumed medications from  
22 the stock of Sturgis Community Health Care Center without written prescriptions from a  
23 practitioner.

24 9. Respondent has subjected his license to discipline under section 4301(n) in  
25 that on December 15<sup>th</sup>, 2000, in In the Matter of the Certificate of Registration as a Licentiate in  
26 Pharmacy of Lawrence E. Patterson (Case No. unknown), the South Dakota State Board of  
27 Pharmacy entered an Order which extended respondent’s probation (described above in

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1 Paragraph 8) for an additional period of time, until May 18<sup>th</sup>, 2003, to mirror the North Dakota  
2 Order referred to above in Paragraph 7 by adopting a Stipulation for Entry of Consent Order in  
3 which respondent agreed to the discipline.

4 The discipline was based upon the acts described above in Paragraph 7.

5 Nebraska Discipline

6 10. Respondent has subjected his license to discipline under section 4301(n) in  
7 that on July 6<sup>th</sup>, 2001, in State of Nebraska ex rel., Don Stenberg, Attorney General v. Lawrence  
8 E. Patterson, RP (Case No. 72-10508), the State of Nebraska Department of Health and Human  
9 Services - Regulation and Licensure entered an Order on Agreed Settlement placing respondent's  
10 license to practice pharmacy in that state (Nebraska License No. 8406) on probation until May  
11 18<sup>th</sup>, 2003, on terms and conditions, by adopting an Agreed Settlement in which respondent  
12 agreed to the discipline.

13 In that Agreed Settlement, respondent admitted the matters alleged in the Petition  
14 for Disciplinary Action (filed May 15<sup>th</sup>, 2001), i.e. the North Dakota and South Dakota  
15 disciplinary orders, described above in Paragraphs 7 through 9, inclusive.

16 WHEREFORE, complainant prays that a hearing be held on the matters alleged  
17 herein and that the Board of Pharmacy, pursuant to section 4300(b), make its order:

- 18 1. Revoking or suspending respondent Lawrence Ernest Patterson's California  
19 Pharmacy License No. RPH 27863.
- 20 2. Prohibiting respondent Lawrence Ernest Patterson from serving as a manager,  
21 administrator, owner, member, officer, director, associate or partner of any licensee, permittee, or  
22 registrant;

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3. Ordering respondent Lawrence Ernest Patterson to pay to the Board its costs and charges for investigation and enforcement of the case according to proof at the hearing, pursuant to Business and Professions Code section 125.3; and

4. Taking such other and further action as may be deemed proper.

DATED: 12/28/01

*P. F. Harris*  
\_\_\_\_\_  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California

Complainant

03583-110  
SA2001AD1547  
11/01/2001