

1 BILL LOCKYER, Attorney General
of the State of California
2 DIANA WOODWARD HAGLE, State Bar No. 46181
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5330
Facsimile: (916) 327-8643
6 E-mail: diana.hagle@doj.ca.gov

7 **Attorneys for Complainant**

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

11 In the Matter of the Accusation Against:
12 JENNIFER WEST-LACKEY, also known as
JENNIFER JEAN LACKEY
13 131 Cohn Valley Way
Folsom, California 95630
14 Licentiate No. RPH 41647
15 Respondent.

Case No. 2459

STIPULATION,
DECISION AND ORDER

17
18 Respondent JENNIFER WEST-LACKEY, also known as JENNIFER JEAN
19 LACKEY, individually and through her attorneys, Nossaman, Guthner, Knox & Elliott, LLP, by
20 Timothy J. Aspinwall, Esquire, and complainant Patricia F. Harris, Executive Officer, Board of
21 Pharmacy, Department of Consumer Affairs, State of California, through her counsel, Deputy
22 Attorney General Diana Woodward Hagle, hereby stipulate that the following matters are true:

23 1. Respondent is a licensee of the Board of Pharmacy (hereinafter "Board")
24 and has been duly served with the Accusation on file and pending in Case No. 2459 and
25 supporting documents. A copy of the Accusation is attached hereto as though set forth at length
26 herein.

27 Respondent is subject to the jurisdiction of the Board in regard to the matters
28 alleged in the Accusation.

ORIGINAL

1 2. Respondent has consulted with her attorney, who has advised her of the
2 nature of the charges alleged in the Accusation, including the penalties requested therein, and
3 the legal effect of entering into this Stipulation.

4 3. Respondent withdraws the Notice of Defense previously filed in this
5 matter, and agrees to be bound by the terms of this Stipulation, and of the Decision and Order,
6 and freely and voluntarily waives any rights she may have in this proceeding to a hearing on the
7 charges and allegations contained in the Accusation, to reconsideration, to appeal, to judicial
8 review, and to all other rights which she may have under the California Administrative
9 Procedure Act and the laws and regulations of the State of California.

10 Respondent understands the charges and allegations of violations of the
11 California Business and Professions Code contained in Accusation No. 2459 and the content
12 and effect of this Stipulation.

13 4. Respondent admits the truth of each and every factual allegation
14 contained in Accusation No. 2459 and further admits that cause exists thereby to impose
15 discipline on her California Pharmacy License No. RPH 41647.

16 The foregoing admissions are made only for the purpose of this proceeding and
17 any subsequent proceedings between respondent and the State of California and any of its
18 agencies and any other government agency responsible for licensing or regulating the practice of
19 pharmacy. In the event this stipulation is not adopted by the Board of Pharmacy, the admissions
20 made herein shall be null and void, and may not be used by the parties for any purpose.

21 5. It is understood by respondent that, in deciding whether to adopt this
22 stipulation, the Board may receive oral and written communications from its staff and the
23 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
24 Board or other persons from future participation in this or any other matter affecting respondent.
25 In the event this settlement is not adopted by the Board, the stipulation will not become effective
26 and may not be used for any purpose, except this paragraph, which shall remain in effect.

27 6. A signed facsimile (FAX) shall be as binding as the original.

28 ///

1 Board. Failure to appear for a scheduled interview without prior notification to Board staff shall
2 be considered a violation of probation.

3 D. COOPERATION WITH BOARD STAFF

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

7 E. CONTINUING EDUCATION

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

10 F. NOTICE TO EMPLOYERS

11 Respondent shall notify all present and prospective employers of the Decision in
12 Case No. 2459 and the terms, conditions and restrictions imposed on respondent by the
13 Decision. Within thirty (30) days of the effective date of this Decision, and within fifteen (15)
14 days of respondent undertaking new employment, respondent shall cause her direct supervisor,
15 pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the
16 employer has read the Decision in Case No. 2459.

17 If respondent works for or is employed by or through a pharmacy employment
18 service, respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
19 every pharmacy of the terms and conditions of the Decision in Case No. 2459 in advance of
20 respondent commencing work at each pharmacy.

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

24 G. NO PRECEPTORSHIPS, SUPERVISION OF INTERNS, BEING
25 PHARMACIST-IN-CHARGE (PIC), OR SERVING AS A
26 CONSULTANT

27 Respondent shall not supervise an intern pharmacist or perform any of the duties
28 of a preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the
Board unless otherwise specified in this Decision.

1 H. REIMBURSEMENT OF BOARD COSTS

2 Respondent shall pay to the Board its costs of investigation and prosecution in
3 the amount of Six Thousand Five Hundred Dollars (\$6,500.00). Respondent shall make an
4 initial payment of Two Thousand Five Hundred Dollars (\$2,500.00) no later than thirty (30)
5 days from the effective date of this Decision and shall thereafter make quarterly payments of the
6 balance on a payment schedule established by the Board, with all payments being completed
7 within the first three (3) years of probation. All payments shall be made by certified or cashiers'
8 check or money order payable to "California Board of Pharmacy" and mailed or delivered to the
9 Board offices at 400 "R" Street, Suite 4070, Sacramento, CA 95814.

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

12 I. PROBATION MONITORING COSTS

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

17 J. STATUS OF LICENSE

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

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

23 K. LICENSE SURRENDER WHILE ON PROBATION

24 Following the effective date of this decision, should respondent cease practice
25 due to retirement or health, or be otherwise unable to satisfy the terms and conditions of
26 probation, respondent may tender her license to the Board for surrender. The Board shall have
27 the discretion whether to grant the request for surrender or take any other action it deems
28 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent

1 will no longer be subject to the terms and conditions of probation.

2 Upon acceptance of the surrender, respondent shall relinquish her pocket license
3 to the Board within ten (10) days of notification by the Board that the surrender is accepted.

4 Respondent may not reapply for any license from the Board for three (3) years from the
5 effective date of the surrender. Respondent shall meet all requirements applicable to the license
6 sought as of the date the application for that license is submitted to the Board.

7 L. NOTIFICATION OF EMPLOYMENT/MAILING ADDRESS CHANGE

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

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

13 M. TOLLING OF PROBATION

14 (1) Practice in California

15 Should respondent, regardless of residency, for any reason cease practicing
16 pharmacy for a minimum of eighty (80) hours per calendar month in California, she must notify
17 the Board in writing within ten (10) days of cessation of the practice of pharmacy or the
18 resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of
19 the probation period. It is a violation of probation for respondent's probation to remain tolled
20 pursuant to the provisions of this condition for a period exceeding three (3) years.

21 "Cessation of practice" means any period of time exceeding thirty (30) days in
22 which respondent is not engaged in the practice of pharmacy as defined in Business &
23 Professions Code § 4052.

24 (2) Practice in Approved Pharmacy Position

25 Respondent shall work at least forty (40) hours in each calendar month as a
26 pharmacist (in a position approved by the Board in writing to fulfill this condition of probation).
27 Failure to do so will be a violation of probation.

28 If respondent has not complied with this condition during the probationary term,

1 and respondent has presented sufficient documentation of her good faith efforts to comply with
2 this condition, and if no other conditions have been violated, the Board, in its discretion, may
3 grant an extension of respondent's probation period up to one (1) year without further hearing in
4 order to comply with this condition.

5 N. MENTAL HEALTH EXAMINATION

6 Within thirty (30) days of the effective date of this Decision, and on a periodic
7 basis as may be required by the Board, respondent shall undergo, at her own expense,
8 psychiatric evaluation(s) by a Board-appointed or Board-approved psychiatrist or psychologist.
9 Respondent shall sign a release authorizing the evaluator to furnish the Board with a current
10 diagnosis and a written report regarding respondent's judgment and ability to function
11 independently as a pharmacist with safety to the public. Respondent shall comply with all the
12 recommendations of the evaluator if directed by the Board.

13 If the psychiatrist or psychotherapist recommends, and the Board directs,
14 respondent shall undergo psychotherapy. Respondent shall, within thirty (30) days of written
15 notice of the need for psychotherapy, submit to the Board for its prior approval, the
16 recommended program for ongoing psychotherapeutic care. Respondent shall undergo and
17 continue psychotherapy, at respondent's own expense, until further notice from the Board.
18 Respondent shall have the treating psychotherapist or psychiatrist submit written quarterly
19 reports to the Board as directed. If respondent is determined to be unable to practice safely,
20 upon notification, respondent shall immediately cease practice and shall not resume practice
21 until notified by the Board.

22 O. PSYCHOTHERAPY

23 Within thirty (30) days of the effective date of this Decision, respondent shall
24 submit to the Board, for its prior approval, the name and qualifications of a licensed mental
25 health practitioner of respondent's choice. Should respondent, for any reason, cease treatment
26 with the approved licensed mental health practitioner, respondent shall notify the Board
27 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement

28 ///

1 psychotherapist or licensed mental health practitioner of respondent's choice to the Board for its
2 prior approval.

3 Therapy shall be at least once a week unless otherwise determined by the Board.
4 Respondent shall provide the therapist with a copy of the Board's Accusation and Decision no
5 later than the first therapy session. Respondent shall take all necessary steps to ensure that the
6 treating therapist submits written quarterly reports to the Board concerning respondent's fitness
7 to practice, progress in treatment, and to provide such other information as may be required by
8 the Board. If the treating therapist finds that respondent cannot practice safely or independently,
9 the therapist shall notify the Board immediately by telephone and follow up by written letter
10 within three (3) working days.

11 Upon approval of the licensed mental health practitioner, respondent shall
12 undergo and continue treatment with that therapist and at respondent's own expense, until the
13 Board deems that no further psychotherapy is necessary. The Board may require respondent to
14 undergo a mental health evaluation(s) by a Board-appointed or Board-approved licensed mental
15 health practitioner.

16 P. MEDICAL EVALUATION

17 Within thirty (30) days of the effective date of this Decision, and on a periodic
18 basis thereafter as may be required by the Board, respondent shall undergo a medical evaluation,
19 as respondent's own expense, by a Board-appointed or Board-approved physician who shall
20 furnish a medical report to the Board.

21 If respondent is required by the Board to undergo medical treatment, respondent
22 shall, within thirty (30) days of written notice from the Board, submit to the Board for its prior
23 approval, the name and qualifications of a physician of respondent's choice. Upon Board
24 approval of the treating physician, respondent shall undergo and continue medical treatment
25 with that physician and a respondent's own expense, until further notice from the Board.
26 Respondent shall have the treating physician submit written quarterly reports to the Board.
27 Should respondent, for any reason, cease treatment with the approved physician, respondent

28 ///

1 shall notify the Board immediately and, within thirty (30) days of ceasing treatment, submit the
2 name of a replacement physician of respondent's choice to the Board for its prior approval.

3 Q. REHABILITATION PROGRAM -
4 PHARMACISTS RECOVERY PROGRAM (PRP)

5 Within thirty (30) days of the effective date of this Decision, respondent shall
6 contact the Pharmacists Recovery Program (PRP) for evaluation and shall successfully
7 participate in and complete the treatment contract and any subsequent addendums as
8 recommended and provided by the PRP and as approved by the Board. The costs for PRP
9 participation shall be borne by respondent.

10 If respondent is currently enrolled in the PRP, the participation is now mandatory
11 and is no longer considered a self-referral under Business & Professions Code § 4363, as of the
12 effective date of this Decision. Respondent shall successfully participate in and complete her
13 current contract and any subsequent addendum with the PRP. Probation shall be automatically
14 extended until respondent successfully completes her treatment contract. Any person terminated
15 from the program shall be automatically suspended upon notice by the Board. Respondent may
16 not resume the practice of pharmacy until notified by the Board in writing. The Board shall
17 retain jurisdiction to institute action to terminate probation for any violation of this term.

18 R. RANDOM DRUG SCREENING

19 Respondent, at her own expense, shall participate in random testing, including
20 but not limited to biological fluid testing (e.g., urine, blood), breathalyzer, hair follicle testing,
21 or a drug screening program approved by the Board. The length of time shall be for the entire
22 probation period and the frequency of testing will be determined by the Board. At all times
23 respondent shall fully cooperate with the Board, and shall, when directed, submit to such tests
24 and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other
25 controlled substances. Failure to submit to testing as directed shall constitute a violation of
26 probation. Any confirmed positive drug test shall result in the immediate suspension of practice
27 by respondent. Respondent may not resume the practice of pharmacy until notified by the Board
28 in writing.

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

S. ABSTAIN FROM DRUGS AND ALCOHOL USE

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board, respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of respondent.

T. SUPERVISED PRACTICE

Respondent shall practice only under the supervision of a pharmacist not on probation with the Board. Respondent shall not practice until the supervisor is approved by the Board. The supervision shall be, as required by the Board, either:

- Continuous - 75% to 100% of a work week
- Substantial - At least 50% of a work week
- Partial - At least 25% of a work week
- Daily Review - Supervisor's review of probationer's daily activities within 24 hours.

Within thirty (30) days of the effective date of this Decision, respondent shall have her supervisor submit notification to the Board in writing stating the supervisor has read the Decision in Case No. 2459 and is familiar with the level of supervision as determined by the Board.

If respondent changes employment, respondent shall have her new supervisor, within fifteen (15) days after employment commences, submit notification to the Board in writing stating the direct supervisor and pharmacist-in-charge have read the Decision in Case No. 2459 and are familiar with the level of supervision as determined by the Board.

Within ten (10) days of leaving employment, respondent shall notify the Board in writing.

U. NO OWNERSHIP OF PREMISES

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
2 days following the effective date of this Decision and shall immediately thereafter provide
3 written proof thereof to the Board.

4 2. VIOLATION OF PROBATION

5 If respondent violates probation in any respect, the Board, after giving respondent
6 notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order
7 which was stayed (revocation). If a petition to revoke probation or an accusation is filed against
8 respondent during probation, the Board shall have continuing jurisdiction, and the period of
9 probation shall be extended, until the petition to revoke probation or accusation is heard and
10 decided.

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

16 3. COMPLETION OF PROBATION

17 Upon successful completion of probation, respondent's license will be
18 fully restored.

19
20 DATED: ~~December~~ *February 5, 2003*, ~~2002~~

21 BILL LOCKYER, Attorney General
22 of the State of California

23
24 *Diana Woodward Hagle*
25 DIANA WOODWARD HAGLE
26 Attorneys for Complainant
27
28

1 I hereby state that I have read this Stipulation and Decision and Order in its
2 entirety, that I understand the allegations of the Accusation and the legal significance and
3 consequences of signing this Stipulation, that I fully understand all of it, and agree to be bound
4 by the terms of this document. I have consulted with my attorney regarding all aspects of this
5 matter.

6 I further understand that the Decision and Order, if adopted by the California
7 Board of Pharmacy, will result in my license being placed on probation and that the Decision
8 and Order is a record of discipline and shall be reported as such. I agree to all the terms and
9 conditions contained herein.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: December 9, 2002.


JENNIFER WEST-LACKEY
Respondent

DATED: December 30, 2002

NOSSAMAN, GUTHNER, KNOX & ELLIOTT,
LLP

By 
TIMOTHY J. ASPINWALL, Esquire
Attorneys for Respondent Jennifer West-Lackey

DECISION AND ORDER

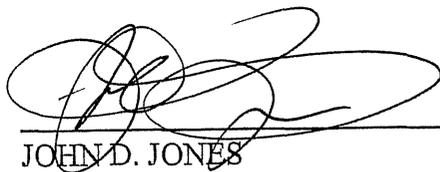
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The above Stipulation has been adopted and shall become the Decision of the Board of Pharmacy of the State of California effective May 2, 2003.

IT IS SO ORDERED this 3rd day of April, 2003.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

03583-110
SA2001AD1700
12/08/2002

"EXHIBIT"

1 4. Section 4301 of the Code provides, in pertinent part, that unprofessional
2 conduct shall include the following:

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

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

11 “(j) The violation of any of the statutes of this state or of the United States
12 regulating controlled substances and dangerous drugs.”

13 “(o) Violating or attempting to violate, directly or indirectly, or assisting in
14 or abetting the violation of or conspiring to violate any provision or term of this chapter or of the
15 applicable federal and state laws and regulations governing pharmacy, including regulations
16 established by the board.”

17 5. Section 4059(a) of the Code provides that no person shall furnish any
18 dangerous drug except on the prescription of a physician, dentist, podiatrist or veterinarian.

19 6. Section 4060 of the Code provides that no person shall possess any
20 controlled substance, except that furnished to a person upon the prescription of a physician,
21 dentist, podiatrist, or veterinarian.

22 7. Health and Safety Code section 11170 provides that no person shall
23 prescribe, administer or furnish a controlled substance for himself.

24 ////
25 ////
26 ////
27 ////
28 ////

1 8. Health and Safety Code section 11377 provides, in pertinent part, that
2 except as authorized by law or otherwise provided, possession of a controlled substance unless
3 upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in
4 California is unlawful.

5 9. Section 11158(a) of the Health and Safety Code provides that except as
6 provided in Section 11159 or otherwise in the section, no controlled substance classified in
7 Schedule II shall be dispensed without a prescription meeting the requirements of that chapter.

8 10. At all times herein mentioned, Ritalin, a brand name for methylphenidate,
9 and methylphenidate were Schedule II controlled substances within the meaning of the Health and
10 Safety Code and dangerous drugs as defined in Business and Professions Code section 4022.

11 11. At all times herein mentioned, Xanax, a brand name for alprazolam, and
12 alprazolam were Schedule IV controlled substances within the meaning of the Health and Safety
13 Code and dangerous drugs within the meaning of Business and Professions Code section 4022.

14 12. Respondent is subject to disciplinary action pursuant to section 4301 of the
15 Code in that she is guilty of unprofessional conduct within the meaning of section 4301(f) in that
16 she has committed acts involving moral turpitude, dishonesty, fraud and deceit as more
17 particularly alleged hereinafter:

18 A. From on or about March 2000, to on or about May 12, 2000,
19 respondent was employed as a pharmacist at the Wal-Mart Pharmacy, Folsom, California.

20 B. During that period, respondent, while working at the pharmacy, on
21 numerous occasions stole from the pharmacy Ritalin, methylphenidate, Xanax, and alprazolam.
22 Respondent stole approximately 100 Xanax or its generic equivalent and approximately 150 to 200
23 Ritalin or its generic equivalent.

24 ////

25 ////

26 ////

27 ////

28 ////

1 13. Respondent is subject to disciplinary action pursuant to section 4301 of the
2 Code in that she is guilty of unprofessional conduct within the meaning of section 4301(o) of the
3 Code in conjunction with sections 4059(a) and 4060 of the Code and section 4301(j) of the Code
4 in conjunction with Health and Safety Code sections 11158(a), 11170 and 11377 as more
5 particularly alleged hereinafter:

6 A. Paragraph 12A hereinabove is incorporated herein by reference as
7 though fully set forth at this point.

8 B. On or about May 12, 2000, respondent furnished and dispensed to
9 herself and had in her possession, approximately 5 methylphenidate and approximately 21 Xanax
10 or its generic equivalent, without having a prescription of a physician, dentist, podiatrist or
11 veterinarian for these drugs.

12 C. During the period from on or about March 2000 to on or about May
13 12, 2000, respondent furnished and dispensed to herself approximately 100 Xanax or its generic
14 equivalent and approximately 150 to 200 Ritalin or its generic equivalent without having a
15 prescription of a physician, dentist, podiatrist or veterinarian for these drugs.

16 14. Respondent is subject to disciplinary action pursuant to section 4301 of the
17 Code in that she is guilty of unprofessional conduct in violation of section 4301(h) of the Code as
18 more particularly alleged hereinafter:

19 A. On or about May 12, 2000, respondent, while employed as a
20 pharmacist at the Wal-Mart Pharmacy administered to herself Ritalin, Xanax or their generic
21 equivalents, to the extent to be dangerous to herself or to the extent that her use impaired her
22 ability to conduct with safety to the public, the practice of pharmacy.

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

27 16. Notice is hereby given to respondent that pursuant to the provisions of
28 section 125.3 of the Code, the Board seeks the costs of its investigation and enforcement in this

1 WHEREFORE, complainant prays that the Board hold a hearing on the matters
2 alleged herein and following the hearing issue a decision:

3 1. Revoking or suspending original pharmacist license number RPH
4 41647 issued to respondent Jennifer West-Lackey;

5 2. Ordering respondent Jennifer West-Lackey to pay to the Board its
6 costs of investigation and enforcement of the case according to proof at the hearing, pursuant to
7 Business and Professions Code section 125.3; and

8 3. Taking such other and further action as the Board deems necessary
9 and proper.

10 Dated: 3/25/02

11 P. F. Harris
12 PATRICIA F. HARRIS
13 Executive Officer
14 Board of Pharmacy
15 Department of Consumer Affairs
16 State of California

17 **Complainant**

18 I:\dat\kahn\West-Lackey\pleading\accusation.wpd