

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

In the Matter of the Accusation of:

JULIE ANN HARRIS

Pharmacist No. RPH 44323

Respondent.

Case No. 2471

OAH No. N2000070060

PROPOSED DECISION

This matter was heard before Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings on July 1, 2003 in Oakland, California.

Char Sachson, Deputy Attorney General, represented the complainant.

Gregory P. Matzen, Attorney at Law, represented the respondent who was present.

The matter was submitted on July 1, 2003.

FACTUAL FINDINGS

1. Patricia F. Harris made this accusation in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs and not otherwise.
2. On August 5, 1991, the Board of Pharmacy (Board) issued Pharmacist License Number RPH 44323 to Julie Ann Harris (Respondent). The Pharmacist License was surrendered pursuant to Penal Code section 23 on January 9, 2002 in San Mateo Superior Court in *People v. Julie Ann Harris*, case number NM316050A. The Board filed this accusation on January 8, 2002.
3. It was stipulated by the parties that: 1. The allegations in the Amended Accusation are true; 2. As alleged in the Amended Accusation, between August 31, 2000 and January 31, 2003, Respondent obtained dangerous drugs without prescription authorization, a total of 1,061 tablets/capsules, 14 ounces of cough syrup and 12 prescription suppositories. Of those amounts, 641 tablets/capsules and 14 ounces of cough syrup are classified as either Schedule III or Schedule IV controlled substances and 420 tablets/capsules and the 12 suppositories are classified as dangerous drugs, requiring a

prescription; 3. As alleged in the Amended Accusation, between October 11, 2001 and January 25, 2003, Respondent attempted to obtain dangerous drugs, without a prescription authorization, a total of 1,422 tablets/capsules are classified as controlled substances in either Schedule III or Schedule IV, and 672 tablet/capsules, and 8 ounces of antibiotic, and the 37 suppositories are classified as dangerous drugs, requiring a prescription; 4. There are no Schedule II medications involved in the amended accusation; and 5. Respondent Julie Harris was not trafficking or dealing in any of the prescriptions.

4. The drugs referred to in Finding 3 included Augmentin, an antibiotic; Diflucan, an antifungal; Doxepine, a tricyclic antidepressant; Fioricet, a treatment for vascular headaches; Fiorinal, a treatment for vascular headaches; Librax, a sedative and anti-anxiety agent; Norco, a pain narcotic; Phenergan, an anti emetic; Prednisone, a steroid; Robaxin, a muscle relaxant; Soma, a muscle relaxant; Tussionex Suspension, used to treat a cough; Valium, a treatment for anxiety; and Vicodin, an analgesic narcotic.

5. Respondent has two court cases pending: one in San Mateo County and one in Sacramento County. She is attending a court ordered drug diversion program. If she successfully completes the program, she anticipates that the charges will be dismissed. The court ordered diversion program includes counseling, drug testing and attendance at AA meetings. After a difficult beginning, respondent has been doing well in the program. She is on the second step of a four-step program and is still working on the first step of her AA program.

6. Respondent's drug problems began with legitimate medical problems. However, respondent began treating herself. She has many excuses, including the inability to get to a doctor, the doctors' malpractice, and the physical and mental abuse of her husband and father-in-law. However, it is clear that respondent has not yet taken full responsibility for her actions.

7. Respondent has moved to a place where she has a support system. She has filed a restraining order against her husband and father-in-law and filed for dissolution of her marriage. Respondent is not presently employed.

8. While respondent has made an excellent beginning toward recovery, it is still too soon to find that respondent is significantly rehabilitated. Respondent did not submit recent evidence of her mental and emotional condition. Respondent has not become involved in the Board's diversion program. Respondent still has significant physical problems that need to be significantly resolved before she can practice pharmacy safely.

9. Respondent used her special position and knowledge as a pharmacist to obtain drugs in violation of the law. It would not be in the public interest to allow respondent to be licensed as a pharmacist at this time even on probation.

10. Cost recovery is requested in the amount of \$2,892.50 for investigation and \$8,792.00 for legal costs. However, taking into account the factors required to be considered

including the fact that respondent stipulated to the charges, the cost recovery is reduced to \$5,000.00. That amount is due and owing at the time that respondent's license is restored. At that time she can work out a payment schedule with the Board.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3, 4 and 5, cause for disciplinary action exists pursuant to Business and Professions Code sections 4301(f) (moral turpitude, dishonesty, fraud and corruption), 4301(j) and (o) (violation and attempted violation of statues related to controlled substances and dangerous drugs) and Health and Safety Code section 11171 (illegal prescribing of controlled substances), and Business and Professions Code section 4060 (possession without prescription). These violations are directly related to the functions, duties and responsibilities of a registered pharmacist.

2. The matters set forth in Findings 6, 7, 8 and 9 have been considered in making the following order.

3. By reason of the matters set forth in Finding 10, costs in the amount of \$5,000.00 are allowed under Business and Professions Code section 125.3.

ORDER

1. Pharmacist License Number RPH 44323 issued to Julie Ann Harris is hereby revoked.

2. Respondent is ordered to pay \$5,000.00 to the Board in cost recovery. This amount is due and owing upon reinstatement of respondent's license. A payment schedule can be ordered by the Board at that time.

DATED: July 17, 2003



RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

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

In the Matter of the Accusation of:

JULIE ANN HARRIS

Pharmacist No. RPH 44323

Respondent.

Case No. 2471

OAH No. N2000070060

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This Decision shall become effective on October, 2, 2003.

IT IS SO ORDERED September 2, 2003.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

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

In the Matter of the Accusation Against:

Case No. 2471

JULIE ANN HARRIS
1701 Tanya Lane #11
Ukiah CA 95482

Pharmacist License No. RPH 44323

Respondent,

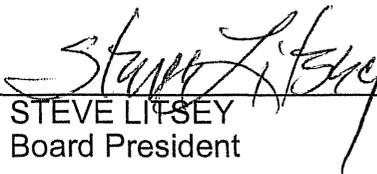
ORDER VACATING DEFAULT DECISION

The Board of Pharmacy, having considered respondent's motion dated April 5, 2002, to set aside the default decision in the above entitled case and good cause appearing hereby issues the following order:

IT IS HEREBY ORDERED that the Default Decision revoking respondent's Pharmacist License No. RPH 44323 effective April 28, 2002, is hereby vacated and the matter will proceed in accordance with the Administrative Procedures Act.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STEVE LITSEY
Board President

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

In the Matter of the Accusation Against:

JULIE ANN HARRIS
1701 Tanya Lane #11
Ukiah, CA 95482

Pharmacist License No. RPH 44323

Respondent.

Case No. 2471

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 8, 2002, Complainant Patricia F. Harris, in her official capacity as Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California, filed Accusation No. 2471 against Julie Ann Harris (Respondent) before the Board of Pharmacy (Board).

2. On or about August 5, 1991, the Board of Pharmacy issued Pharmacist License No. RPH 44323 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2003, unless renewed.

3. On or about January 11, 2002, Patricia Renteria, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2471, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 1701 Tanya Lane #11, Ukiah, CA 95482. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

- 1 Professions Code Section 4301(f);
2 b. Furnishing Controlled Substances to Oneself - Business &
3 Professions Code Section 4301(j) and Health & Safety Code Section 11170;
4 c. Illegal Furnishing of Controlled Substances - Business &
5 Professions Code Section 4301(j) and Health & Safety Code Section 11171;
6 d. Obtaining Controlled Substances by Fraud & Deceit - Business &
7 Professions Code Section 4301(j) and Health & Safety Code Section 11173; and
8 e. Possession of Controlled Substances Without Prescription -
9 Business & Professions Code Section 4060.

10 ORDER

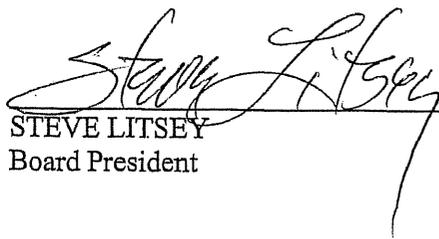
11 IT IS SO ORDERED that Pharmacist License No. RPH 44323, heretofore issued
12 to Respondent Julie Ann Harris, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may
14 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
15 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
16 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
17 statute.

18 This Decision shall become effective on April 28, 2002.

19 It is so ORDERED March 29, 2002

20
21 BOARD OF PHARMACY
22 DEPARTMENT OF CONSUMER AFFAIRS
23 STATE OF CALIFORNIA

24 By: 
25 STEVE LITSEY
26 Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2471

11 JULIE ANN HARRIS,
12 ~~1701 Tanya Lane #11~~
~~Ukiah, CA 95482~~

OAH No.

13 Pharmacist No. RPH 44323

AMENDED ACCUSATION

14 Respondent.
15

16 Complainant alleges:

17 PARTIES

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

21 2. On or about August 5, 1991, the Board of Pharmacy issued Pharmacist
22 License Number RPH 44323 to Julie Ann Harris (Respondent). The Pharmacist License was
23 surrendered pursuant to Penal Code section 23 on January 9, 2002 in San Mateo County Superior
24 Court in People v. Julie Ann Harris, case number NM316050A. Accusation number 2471 was
25 filed with the Board of Pharmacy on January 8, 2002.

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(c) Gross negligence.

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

...

(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.

...

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

...

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

...

6. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

7. Section 4059 of the Code states, in pertinent part, that no person shall

1 furnish any dangerous drug except upon the prescription of a physician, dentist,
2 podiatrist, optometrist, or veterinarian. No person shall furnish any dangerous device,
3 except upon the prescription of a physician, dentist, podiatrist, optometrist, or
4 veterinarian.

5 8. Section 4060 of the Code states:

6 No person shall possess any controlled substance, except that furnished to a
7 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or
8 furnished pursuant to a drug order issued by a physician assistant pursuant to Section
9 3502.1 or a nurse practitioner pursuant to Section 2836.1. This section shall not apply to
10 the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
11 physician, podiatrist, dentist, veterinarian, physician assistant, or nurse practitioner, when
12 in stock in containers correctly labeled with the name and address of the supplier or
13 producer.

14 Nothing in this section authorizes a nurse practitioner or a physician assistant to
15 order his or her own stock of dangerous drugs and devices.

16 9. Health and Safety Code Section 11170 states:

17 No person shall prescribe, administer, or furnish a controlled substance for
18 himself.

19 10. Health and Safety Code Section 11171 states:

20 No person shall prescribe, administer, or furnish a controlled substance except
21 under the conditions and in the manner provided by this division.

22 11. Health and Safety Code Section 11173(a) states:

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

27 12. Section 118, subdivision (b), of the Code provides that the suspension,
28 expiration, surrender or cancellation of a license shall not deprive the Board/Registrar/Director of

1 22. Prednisone is a steroid and is a dangerous drug per Business and
2 Professions Code section 4022.

3 23. Robaxin is a skeletal muscle relaxant. It is a dangerous drug per Business
4 and Professions Code section 4022.

5 24. Soma is used as an adjunctive treatment to rest, analgesics, and
6 physical therapy for muscle spasms. It is a dangerous drug per Business and Professions Code
7 section 4022. Soma is the trade name of Carisoprodol.

8 25. Tussionex Suspension (8 mg chlorpheniramine and 10 mg hydrocodone
9 per 5 ml) is a Schedule III controlled substance as defined in Section 11056(e)(4) of the Health
10 and Safety Code, a dangerous drug as defined in Section 4022(a) of the Business and Professions
11 Code, and is used to treat a cough.

12 26. Valium (diazepam) is a Schedule IV controlled substance, listed under
13 Health and Safety Code 11057(d)(8), and is a benzodiazepine used in the treatment of anxiety, as
14 a hypnotic, anticonvulsant and muscle relaxant.

15 27. Vicodin (hydrocodone 5 mg with acetaminophen 500 mg) is a Schedule III
16 controlled substance as defined in Section 11056(e)(4) of the Health and Safety Code, a
17 dangerous drug as defined in Section 4022(a) of the Business and Professions Code, and is an
18 analgesic used to treat pain.

19 **RITE AID - PLEASANT HILL**

20 **FIRST CAUSE FOR DISCIPLINE**

21 (MORAL TURPITUDE, DISHONESTY, FRAUD OR CORRUPTION)

22 28. Respondent is subject to disciplinary action under section 4301(f) of the
23 Code in that she committed unprofessional conduct involving moral turpitude, dishonesty, fraud
24 or corruption. The circumstances are as follows:

25 a. On or about August 31, 2000, respondent illegally obtained approximately
26 240 ml of Tussionex, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
27 California.

28 b. On or about August 31, 2000, respondent illegally obtained approximately

1 15 Valium 10 mg tablets, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
2 California.

3 c. On or about August 31, 2000, respondent illegally obtained approximately
4 6 Vicodin, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill, California.

5 SECOND CAUSE FOR DISCIPLINE

6 (FURNISHING CONTROLLED SUBSTANCES TO ONESELF)

7 29. Respondent committed unprofessional conduct and is subject to
8 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
9 Safety Code section 11170 which prohibits prescribing, administering and/or furnishing
10 controlled substances to oneself. The circumstances are as follows:

11 a. On or about August 31, 2000, respondent illegally obtained approximately
12 240 ml of Tussionex, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
13 California.

14 b. On or about August 31, 2000, respondent illegally obtained approximately
15 15 Valium 10 mg tablets, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
16 California.

17 c. On or about August 31, 2000, respondent illegally obtained approximately
18 6 Vicodin, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill, California.

19 THIRD CAUSE FOR DISCIPLINE

20 (ILLEGAL FURNISHING OF CONTROLLED SUBSTANCES)

21 30. Respondent committed unprofessional conduct and is subject to
22 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
23 Safety Code section 11171 which prohibits illegally prescribing, administering and/or furnishing
24 controlled substances. The circumstances are as follows:

25 a. On or about August 31, 2000, respondent illegally obtained approximately
26 240 ml of Tussionex, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
27 California.

28 b. On or about August 31, 2000, respondent illegally obtained approximately

1 15 Valium 10 mg tablets, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
2 California.

3 c. On or about August 31, 2000, respondent illegally obtained approximately
4 6 Vicodin, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill, California.

5 FOURTH CAUSE FOR DISCIPLINE

6 (OBTAINING CONTROLLED SUBSTANCES BY FRAUD AND DECEIT)

7 31. Respondent committed unprofessional conduct and is subject to
8 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
9 Safety Code section 11173 which prohibits obtaining controlled substances by fraud, deceit,
10 misrepresentation or subterfuge. The circumstances are as follows:

11 a. On or about August 31, 2000, respondent illegally obtained approximately
12 240 ml of Tussionex, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
13 California.

14 b. On or about August 31, 2000, respondent illegally obtained approximately
15 15 Valium 10 mg tablets, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill,
16 California.

17 c. On or about August 31, 2000, respondent illegally obtained approximately
18 6 Vicodin, while employed as a pharmacist at Rite Aid #5915 in Pleasant Hill, California.

19 FIFTH CAUSE FOR DISCIPLINE

20 (POSSESSION OF CONTROLLED SUBSTANCES WITHOUT PRESCRIPTION)

21 32. Respondent is subject to disciplinary action under section 4060 of the
22 Code in that she possessed controlled substances without a prescription. The circumstances are as
23 follows:

24 a. On or about August 31, 2000, respondent obtained approximately 240 ml
25 of Tussionex without a prescription, while employed as a pharmacist at Rite Aid #5915 in
26 Pleasant Hill, California.

27 b. On or about August 31, 2000, respondent obtained approximately 15
28 Valium 10 mg tablets without a prescription, while employed as a pharmacist at Rite Aid #5915

1 in Pleasant Hill, California.

2 c. On or about August 31, 2000, respondent obtained approximately 6
3 Vicodin without a prescription, while employed as a pharmacist at Rite Aid #5915 in Pleasant
4 Hill, California.

5 **LONGS DRUGS - SOUTH SAN FRANCISCO**

6 **SIXTH CAUSE FOR DISCIPLINE**

7 (MORAL TURPITUDE, DISHONESTY, FRAUD OR CORRUPTION)

8 33. Respondent committed unprofessional conduct and is subject to
9 disciplinary action under section 4301(f) of the Code in that she committed unprofessional
10 conduct involving moral turpitude, dishonesty, fraud or corruption. The circumstances are as
11 follows:

12 a. On or about October 11, 2001, respondent attempted to illegally obtain 60
13 tablets of Doxepin, 90 tablets of Norco, and 30 tablets of Soma, by calling Longs Drugs in South
14 San Francisco, California, identifying herself as a physician, and ordering the medications for
15 herself. Respondent had no valid prescription for these medications.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 (PRESCRIBING CONTROLLED SUBSTANCES TO ONESELF)

18 34. Respondent committed unprofessional conduct and is subject to
19 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
20 Safety Code section 11170 which prohibits prescribing, administering and/or furnishing
21 controlled substances to oneself. The circumstances are as follows:

22 a. On or about October 11, 2001, respondent attempted to illegally obtain 60
23 tablets of Doxepin, 90 tablets of Norco, and 30 tablets of Soma, by calling Longs Drugs in South
24 San Francisco, California, identifying herself as a physician, and ordering the medications for
25 herself. Respondent had no valid prescription for these medications.

26 **EIGHTH CAUSE FOR DISCIPLINE**

27 (ILLEGAL PRESCRIBING OF CONTROLLED SUBSTANCES)

28 35. Respondent committed unprofessional conduct and is subject to

1- disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
2 Safety Code section 11171 which prohibits illegally prescribing, administering and/or furnishing
3 controlled substances. The circumstances are as follows:

4 a. On or about October 11, 2001, respondent attempted to illegally obtain 60
5 tablets of Doxepin, 90 tablets of Norco, and 30 tablets of Soma, by calling Longs Drugs in South
6 San Francisco, California, identifying herself as a physician, and ordering the medications for
7 herself. Respondent had no valid prescription for these medications.

8 NINTH CAUSE FOR DISCIPLINE

9 (OBTAINING CONTROLLED SUBSTANCES BY FRAUD AND DECEIT)

10 36. Respondent committed unprofessional conduct and is subject to
11 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
12 Safety Code section 11173 which prohibits obtaining controlled substances by fraud, deceit,
13 misrepresentation or subterfuge. The circumstances are as follows:

14 a. On or about October 11, 2001, respondent attempted to illegally obtain 60
15 tablets of Doxepin, 90 tablets of Norco, and 30 tablets of Soma, by calling Longs Drugs in South
16 San Francisco, California, identifying herself as a physician, and ordering the medications for
17 herself. Respondent had no valid prescription for these medications.

18 SAFEWAY PHARMACY - UKIAH

19 TENTH CAUSE FOR DISCIPLINE

20 (MORAL TURPITUDE, DISHONESTY, FRAUD OR CORRUPTION)

21 37. Respondent committed unprofessional conduct and is subject to
22 disciplinary action under section 4301(f) of the Code in that she committed unprofessional
23 conduct involving moral turpitude, dishonesty, fraud or corruption. The circumstances are as
24 follows:

25 a. On or about November 16, 2002, respondent illegally obtained 90 tablets
26 of Norco and 12 Phenergan suppositories, by calling the Safeway pharmacy in Ukiah, California,
27 identifying herself as a physician, and ordering the medications for her father. Respondent
28 picked up the medications on the same date.

1- ELEVENTH CAUSE FOR DISCIPLINE

2 (FURNISHING CONTROLLED SUBSTANCES TO ONESELF)

3 38. Respondent committed unprofessional conduct and is subject to
4 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
5 Safety Code section 11170 which prohibits prescribing, administering and/or furnishing
6 controlled substances to oneself. The circumstances are as follows:

7 a. On or about November 16, 2002, respondent illegally obtained 90 tablets
8 of Norco and 12 Phenergan suppositories, by calling the Safeway pharmacy in Ukiah, California,
9 identifying herself as a physician, and ordering the medications for her father. Respondent had
10 no valid prescription for these medications. Respondent picked up the medications on the same
11 date.

12 TWELFTH CAUSE FOR DISCIPLINE

13 (ILLEGAL FURNISHING OF CONTROLLED SUBSTANCES)

14 39. Respondent committed unprofessional conduct and is subject to
15 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
16 Safety Code section 11171 which prohibits illegally prescribing, administering and/or furnishing
17 controlled substances. The circumstances are as follows:

18 a. On or about November 16, 2002, respondent illegally obtained 90 tablets
19 of Norco and 12 Phenergan suppositories, by calling the Safeway pharmacy in Ukiah, California,
20 identifying herself as a physician, and ordering the medications for her father. Respondent had
21 no valid prescription for these medications. Respondent picked up the medications on the same
22 date.

23 THIRTEENTH CAUSE FOR DISCIPLINE

24 (OBTAINING CONTROLLED SUBSTANCES BY FRAUD AND DECEIT)

25 40. Respondent committed unprofessional conduct and is subject to
26 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
27 Safety Code section 11173 which prohibits obtaining controlled substances by fraud, deceit,
28 misrepresentation or subterfuge. The circumstances are as follows:

1- a. On or about November 16, 2002, respondent illegally obtained 90 tablets
2 of Norco and 12 Phenergan suppositories, by calling the Safeway pharmacy in Ukiah, California,
3 identifying herself as a physician, and ordering the medications for her father. Respondent had
4 no valid prescription for these medications. Respondent picked up the medications on the same
5 date.

6 FOURTEENTH CAUSE FOR DISCIPLINE

7 (POSSESSION OF CONTROLLED SUBSTANCES WITHOUT PRESCRIPTION)

8 41. Respondent is subject to disciplinary action under section 4060 of the
9 Code in that she possessed controlled substances without a prescription. The circumstances are as
10 follows:

11 a. On or about November 16, 2002, respondent illegally obtained 90 tablets
12 of Norco and 12 Phenergan suppositories, by calling the Safeway pharmacy in Ukiah, California,
13 identifying herself as a physician, and ordering the medications for her father. Respondent had
14 no valid prescription for these medications. Respondent picked up the medications on the same
15 date.

16 COSTCO PHARMACIES - VARIOUS

17 FIFTEENTH CAUSE FOR DISCIPLINE

18 (MORAL TURPITUDE, DISHONESTY, FRAUD OR CORRUPTION)

19 42. Respondent is subject to disciplinary action under section 4301(f) of the
20 Code in that she committed unprofessional conduct involving moral turpitude, dishonesty, fraud
21 or corruption. The circumstances are as follows:

22 a. On or about November 4, 2002, respondent illegally obtained 50 tablets of
23 Cyclobenzaprine, by calling **Costco pharmacy #41 in Santa Rosa**, California, identifying
24 herself as a physician, and ordering the medication for herself. Respondent had no valid
25 prescription for the medication. Respondent picked up the medication. On or about November
26 7, 2002, respondent illegally obtained 30 tablets of Soma, by calling Costco pharmacy #41 in
27 Santa Rosa, California, identifying herself as a physician, and ordering the medication for herself.
28 Respondent had no valid prescription for the medication. Respondent picked up the medication.

1- On or about November 9, 2002, respondent illegally obtained 30 tablets of Fiorinal and 30 tablets
2 of Restoril, by calling Costco pharmacy #41 in Santa Rosa, California, identifying herself as a
3 physician, and ordering the medication for herself. Respondent had no valid prescription for the
4 medications. Respondent picked up the medication. On or about November 11, 2002,
5 respondent illegally obtained 100 tablets of Librax, by calling Costco pharmacy #41 in Santa
6 Rosa, California, identifying herself as a physician, and ordering the medication for herself.
7 Respondent had no valid prescription for the medication. Respondent picked up the medication.
8 On or about November 22, 2002, respondent illegally obtained 90 tablets of Soma, 90 tablets of
9 Norco, 30 tablets of Restoril, 30 tablets of Midrin, and 30 tablets of Robaxin, by calling Costco
10 pharmacy #41 in Santa Rosa, California, identifying herself as a physician, and ordering the
11 medication for herself. Respondent had no valid prescription for the medications. Respondent
12 picked up the medication.

13 b. On or about December 13, 2002, respondent attempted to illegally obtain
14 12 Phenergan suppositories, 50 tablets of Fioricet, 100 tablets of Librax, 100 tablets of
15 Prednisone, 30 tablets of Augmentin, 60 ml of Clindamycin, 28 tablets of Doxycycline, 90 tablets
16 of Norco, 50 tablets of Robaxin, and 14 tablets of Diflucan, by calling **Costco pharmacy #132 in**
17 **Vallejo**, California, identifying herself as a physician, and ordering the medications for herself.
18 Respondent had no valid prescription for the medications.

19 c. On or about December 13, 2002, respondent attempted to illegally obtain
20 50 tablets of Fioricet, 25 Phenergan suppositories, 90 tablets of Norco, 100 tablets of
21 Doxycycline, 50 tablets of Robaxin, and 100 tablets of Librax, by calling **Costco pharmacy**
22 **#659 in Rohnert Park**, California, identifying herself as an employee at a physician's office, and
23 ordering the medication for herself. Respondent had no valid prescription for the medications.
24 On or about January 25, 2003, respondent attempted to illegally obtain 90 tablets of Norco, 40
25 tablets of Robaxin, and 100 tablets of Librax, by calling Costco pharmacy #659 in Rohnert Park,
26 California, identifying herself as an employee at a physician's office, and ordering the medication
27 for herself. Respondent had no valid prescription for the medications.

28 d. On or about January 22, 2003, respondent illegally obtained 90 tablets of

1- Soma by calling **Costco pharmacy #132 in Vallejo**, California, identifying herself as a nurse at a
2 physician's office, and ordering the medication for herself. Respondent had no valid
3 prescription for the medication. Respondent picked up the medication. On or about January 22,
4 2003, respondent attempted to illegally obtain 90 tablets of Norco by calling Costco pharmacy
5 #132 in Vallejo, California, identifying herself as a nurse at a physician's office, and ordering the
6 medication for herself. Respondent had no valid prescription for the medication.

7 e. On or about January 25, 2003, respondent illegally obtained 100 tablets of
8 Librax, 100 tablets of Norco, and 100 tablets of Robaxin, by calling **Costco pharmacy #482 in**
9 **Richmond**, California, identifying herself as a nurse at a physician's office, and ordering the
10 medication for herself. Respondent had no valid prescription for the medications. Respondent
11 picked up the medications on January 27, 2003.

12 f. On or about January 31, 2003, respondent illegally obtained 50 capsules of
13 Fiorinal and 6 oz. of Tussionex, by calling **Costco pharmacy #471 in Sacramento**, California,
14 identifying herself as a physician, and ordering the medications for her father. Respondent had
15 no valid prescription for the medication. Respondent picked up the medications on February 1,
16 2003.

17 SIXTEENTH CAUSE FOR DISCIPLINE

18 (FURNISHING CONTROLLED SUBSTANCES TO ONESELF)

19 43. Respondent committed unprofessional conduct and is subject to
20 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
21 Safety Code section 11170 which prohibits prescribing, administering and/or furnishing
22 controlled substances to oneself. The circumstances are as follows:

23 a. On or about November 4, 2002, respondent illegally obtained 50 tablets of
24 Cyclobenzaprine, by calling **Costco pharmacy #41 in Santa Rosa**, California, identifying
25 herself as a physician, and ordering the medication for herself. Respondent had no valid
26 prescription for the medication. Respondent picked up the medication. On or about November
27 7, 2002, respondent illegally obtained 30 tablets of Soma, by calling Costco pharmacy #41 in
28 Santa Rosa, California, identifying herself as a physician, and ordering the medication for herself.

1 Respondent had no valid prescription for the medication. Respondent picked up the
2 medication. On or about November 9, 2002, respondent illegally obtained 30 tablets of Fiorinal
3 and 30 tablets of Restoril, by calling Costco pharmacy #41 in Santa Rosa, California, identifying
4 herself as a physician, and ordering the medication for herself. Respondent had no valid
5 prescription for the medication. Respondent picked up the medication. On or about November
6 11, 2002, respondent illegally obtained 100 tablets of Librax, by calling Costco pharmacy #41 in
7 Santa Rosa, California, identifying herself as a physician, and ordering the medication for herself.
8 Respondent had no valid prescription for the medication. Respondent picked up the medication.
9 On or about November 22, 2002, respondent illegally obtained 90 tablets of Soma, 90 tablets of
10 Norco, 30 tablets of Restoril, 30 tablets of Midrin, and 30 tablets of Robaxin, by calling Costco
11 pharmacy #41 in Santa Rosa, California, identifying herself as a physician, and ordering the
12 medication for herself. Respondent had no valid prescription for the medications. Respondent
13 picked up the medication.

14 b. On or about December 13, 2002, respondent attempted to illegally obtain
15 12 Phenergan suppositories, 50 tablets of Fioricet, 100 tablets of Librax, 100 tablets of
16 Prednisone, 30 tablets of Augmentin, 60 ml of Clindamycin, 28 tablets of Doxycycline, 90 tablets
17 of Norco, 50 tablets of Robaxin, and 14 tablets of Diflucan, by calling **Costco pharmacy #132 in**
18 **Vallejo**, California, identifying herself as a physician, and ordering the medications for herself.
19 Respondent had no valid prescription for the medications.

20 c. On or about December 13, 2002, respondent attempted to illegally obtain
21 50 tablets of Fioricet, 25 Phenergan suppositories, 90 tablets of Norco, 100 tablets of
22 Doxycycline, 50 tablets of Robaxin, and 100 tablets of Librax, by calling **Costco pharmacy**
23 **#659 in Rohnert Park**, California, identifying herself as an employee at a physician's office, and
24 ordering the medication for herself. Respondent had no valid prescription for the medication.
25 On or about January 25, 2003, respondent attempted to illegally obtain 90 tablets of Norco, 40
26 tablets of Robaxin, and 100 tablets of Librax, by calling Costco pharmacy #659 in Rohnert Park,
27 California, identifying herself as an employee at a physician's office, and ordering the medication
28 for herself. Respondent had no valid prescription for the medications.

1- d. On or about January 22, 2003, respondent illegally obtained 90 tablets of
2 Soma by calling **Costco pharmacy #132 in Vallejo**, California, identifying herself as a nurse at a
3 physician's office, and ordering the medication for herself. Respondent had no valid
4 prescription for the medication. Respondent picked up the medication. On or about January 22,
5 2003, respondent attempted to illegally obtain 90 tablets of Norco by calling Costco pharmacy
6 #132 in Vallejo, California, identifying herself as a nurse at a physician's office, and ordering the
7 medication for herself. Respondent had no valid prescription for the medication.

8 e. On or about January 25, 2003, respondent illegally obtained 100 tablets of
9 Librax, 100 tablets of Norco, and 100 tablets of Robaxin, by calling **Costco pharmacy #482 in**
10 **Richmond**, California, identifying herself as a nurse at a physician's office, and ordering the
11 medication for herself. Respondent had no valid prescription for the medications. Respondent
12 picked up the medications on January 27, 2003.

13 f. On or about January 31, 2003, respondent illegally obtained 50 capsules of
14 Fiorinal and 6 oz. of Tussionex, by calling **Costco pharmacy #471 in Sacramento**, California,
15 identifying herself as a physician, and ordering the medications for her father. Respondent had
16 no valid prescription for the medication. Respondent picked up the medications on February 1,
17 2003.

18 SEVENTEENTH CAUSE FOR DISCIPLINE

19 (ILLEGAL FURNISHING OF CONTROLLED SUBSTANCES)

20 44. Respondent committed unprofessional conduct and is subject to
21 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
22 Safety Code section 11171 which prohibits illegally prescribing, administering and/or furnishing
23 controlled substances. The circumstances are as follows:

24 a. On or about November 4, 2002, respondent illegally obtained 50 tablets of
25 Cyclobenzaprine, by calling **Costco pharmacy #41 in Santa Rosa**, California, identifying
26 herself as a physician, and ordering the medication for herself. Respondent had no valid
27 prescription for the medication. Respondent picked up the medication. On or about November
28 7, 2002, respondent illegally obtained 30 tablets of Soma, by calling Costco pharmacy #41 in

1- Santa Rosa, California, identifying herself as a physician, and ordering the medication for herself.
2 Respondent had no valid prescription for the medication. Respondent had no valid prescription
3 for the medication. Respondent picked up the medication. On or about November 9, 2002,
4 respondent illegally obtained 30 tablets of Fiorinal and 30 tablets of Restoril, by calling Costco
5 pharmacy #41 in Santa Rosa, California, identifying herself as a physician, and ordering the
6 medication for herself. Respondent had no valid prescription for the medication. Respondent
7 picked up the medications. On or about November 11, 2002, respondent illegally obtained 100
8 tablets of Librax, by calling Costco pharmacy #41 in Santa Rosa, California, identifying herself
9 as a physician, and ordering the medication for herself. Respondent had no valid prescription for
10 the medication. Respondent picked up the medication. On or about November 22, 2002,
11 respondent illegally obtained 90 tablets of Soma, 90 tablets of Norco, 30 tablets of Restoril, 30
12 tablets of Midrin, and 30 tablets of Robaxin, by calling Costco pharmacy #41 in Santa Rosa,
13 California, identifying herself as a physician, and ordering the medication for herself.

14 Respondent had no valid prescription for the medication. Respondent picked up the medication.

15 b. On or about December 13, 2002, respondent attempted to illegally obtain
16 12 Phenergan suppositories, 50 tablets of Fioricet, 100 tablets of Librax, 100 tablets of
17 Prednisone, 30 tablets of Augmentin, 60 ml of Clindamycin, 28 tablets of Doxycycline, 90 tablets
18 of Norco, 50 tablets of Robaxin, and 14 tablets of Diflucan, by calling **Costco pharmacy #132 in**
19 **Vallejo**, California, identifying herself as a physician, and ordering the medications for herself.
20 Respondent had no valid prescription for the medication.

21 c. On or about December 13, 2002, respondent attempted to illegally obtain
22 50 tablets of Fioricet, 25 Phenergan suppositories, 90 tablets of Norco, 100 tablets of
23 Doxycycline, 50 tablets of Robaxin, and 100 tablets of Librax, by calling **Costco pharmacy**
24 **#659 in Rohnert Park**, California, identifying herself as an employee at a physician's office, and
25 ordering the medication for herself. Respondent had no valid prescription for the medications.
26 On or about January 25, 2003, respondent attempted to illegally obtain 90 tablets of Norco, 40
27 tablets of Robaxin, and 100 tablets of Librax, by calling Costco pharmacy #659 in Rohnert Park,
28 California, identifying herself as an employee at a physician's office, and ordering the medication

1 for herself. Respondent had no valid prescription for the medications.

2 d. On or about January 22, 2003, respondent illegally obtained 90 tablets of
3 Soma by calling **Costco pharmacy #132 in Vallejo**, California, identifying herself as a nurse at a
4 physician's office, and ordering the medication for herself. Respondent had no valid prescription
5 for the medication. Respondent picked up the medication. On or about January 22, 2003,
6 respondent attempted to illegally obtain 90 tablets of Norco by calling Costco pharmacy #132 in
7 Vallejo, California, identifying herself as a nurse at a physician's office, and ordering the
8 medication for herself. Respondent had no valid prescription for the medications.

9 e. On or about January 25, 2003, respondent illegally obtained 100 tablets of
10 Librax, 100 tablets of Norco, and 100 tablets of Robaxin, by calling **Costco pharmacy #482 in**
11 **Richmond**, California, identifying herself as a nurse at a physician's office, and ordering the
12 medication for herself. Respondent had no valid prescription for the medications. Respondent
13 picked up the medications on January 27, 2003.

14 f. On or about January 31, 2003, respondent illegally obtained 50 capsules of
15 Fiorinal and 6 oz. of Tussionex, by calling **Costco pharmacy #471 in Sacramento**, California,
16 identifying herself as a physician, and ordering the medications for her father. Respondent had
17 no valid prescription for the medications. Respondent picked up the medications on February 1,
18 2003.

19 EIGHTEENTH CAUSE FOR DISCIPLINE

20 (OBTAINING CONTROLLED SUBSTANCES BY FRAUD AND DECEIT)

21 45. Respondent committed unprofessional conduct and is subject to
22 disciplinary action under sections 4301(j) and/or (o) of the Code in that she violated Health and
23 Safety Code section 11173 which prohibits obtaining controlled substances by fraud, deceit,
24 misrepresentation or subterfuge. The circumstances are as follows:

25 a. On or about November 4, 2002, respondent illegally obtained 50 tablets of
26 Cyclobenzaprine, by calling **Costco pharmacy #41 in Santa Rosa**, California, identifying
27 herself as a physician, and ordering the medication for herself. Respondent had no valid
28 prescription for the medication. Respondent picked up the medication. On or about November

1 7, 2002, respondent illegally obtained 30 tablets of Soma, by calling Costco pharmacy #41 in
2 Santa Rosa, California, identifying herself as a physician, and ordering the medication for herself.
3 Respondent had no valid prescription for the medication. Respondent picked up the medication.
4 On or about November 9, 2002, respondent illegally obtained 30 tablets of Fiorinal and 30 tablets
5 of Restoril, by calling Costco pharmacy #41 in Santa Rosa, California, identifying herself as a
6 physician, and ordering the medication for herself. Respondent had no valid prescription for the
7 medications. Respondent picked up the medication. On or about November 11, 2002,
8 respondent illegally obtained 100 tablets of Librax, by calling Costco pharmacy #41 in Santa
9 Rosa, California, identifying herself as a physician, and ordering the medication for herself.
10 Respondent had no valid prescription for the medication. Respondent picked up the medication.
11 On or about November 22, 2002, respondent illegally obtained 90 tablets of Soma, 90 tablets of
12 Norco, 30 tablets of Restoril, 30 tablets of Midrin, and 30 tablets of Robaxin, by calling Costco
13 pharmacy #41 in Santa Rosa, California, identifying herself as a physician, and ordering the
14 medication for herself. Respondent had no valid prescription for the medications. Respondent
15 picked up the medication.

16 b. On or about December 13, 2002, respondent illegally attempted to obtain
17 12 Phenergan suppositories, 50 tablets of Fioricet, 100 tablets of Librax, 100 tablets of
18 Prednisone, 30 tablets of Augmentin, 60 ml of Clindamycin, 28 tablets of Doxycycline, 90 tablets
19 of Norco, 50 tablets of Robaxin, and 14 tablets of Diflucan, by calling **Costco pharmacy #132 in**
20 **Vallejo**, California, identifying herself as a physician, and ordering the medications for herself.
21 Respondent had no valid prescription for the medications.

22 c. On or about December 13, 2002, respondent attempted to illegally obtain
23 50 tablets of Fioricet, 25 Phenergan suppositories, 90 tablets of Norco, 100 tablets of
24 Doxycycline, 50 tablets of Robaxin, and 100 tablets of Librax, by calling **Costco pharmacy**
25 **#659 in Rohnert Park**, California, identifying herself as an employee at a physician's office, and
26 ordering the medication for herself. Respondent had no valid prescription for the medications.
27 On or about January 25, 2003, respondent attempted to illegally obtain 90 tablets of Norco, 40
28 tablets of Robaxin, and 100 tablets of Librax, by calling Costco pharmacy #659 in Rohnert Park,

1 California, identifying herself as an employee at a physician's office, and ordering the medication
2 for herself. Respondent had no valid prescription for the medications.

3 d. On or about January 22, 2003, respondent illegally obtained 90 tablets of
4 Soma by calling **Costco pharmacy #132 in Vallejo**, California, identifying herself as a nurse at a
5 physician's office, and ordering the medication for herself. Respondent had no valid prescription
6 for the medication. Respondent picked up the medication. On or about January 22, 2003,
7 respondent attempted to illegally obtain 90 tablets of Norco by calling Costco pharmacy #132 in
8 Vallejo, California, identifying herself as a nurse at a physician's office, and ordering the
9 medication for herself. Respondent had no valid prescription for the medication.

10 e. On or about January 25, 2003, respondent illegally obtained 100 tablets of
11 Librax, 100 tablets of Norco, and 100 tablets of Robaxin, by calling **Costco pharmacy #482 in**
12 **Richmond**, California, identifying herself as a nurse at a physician's office, and ordering the
13 medication for herself. Respondent had no valid prescription for the medications. Respondent
14 picked up the medications on January 27, 2003.

15 f. On or about January 31, 2003, respondent illegally obtained 50 capsules of
16 Fiorinal and 6 oz. of Tussionex, by calling **Costco pharmacy #471 in Sacramento**, California,
17 identifying herself as a physician, and ordering the medications for her father. Respondent had
18 no valid prescription for the medications. Respondent picked up the medications on February 1,
19 2003.

20 NINETEENTH CAUSE FOR DISCIPLINE

21 (POSSESSION OF CONTROLLED SUBSTANCES WITHOUT PRESCRIPTION)

22 46. Respondent is subject to disciplinary action under section 4060 of the
23 Code in that she possessed controlled substances without a prescription. The circumstances are as
24 follows:

25 a. On or about November 4, 2002, respondent illegally obtained 50 tablets of
26 Cyclobenzaprine, by calling **Costco pharmacy #41 in Santa Rosa**, California, identifying
27 herself as a physician, and ordering the medication for herself. Respondent had no valid
28 prescription for the medications. Respondent picked up the medication. On or about November

1 7, 2002, respondent illegally obtained 30 tablets of Soma, by calling Costco pharmacy #41 in
2 Santa Rosa, California, identifying herself as a physician, and ordering the medication for herself.
3 Respondent had no valid prescription for the medications. Respondent picked up the medication.
4 On or about November 9, 2002, respondent illegally obtained 30 tablets of Fiorinal and 30 tablets
5 of Restoril, by calling Costco pharmacy #41 in Santa Rosa, California, identifying herself as a
6 physician, and ordering the medication for herself. Respondent had no valid prescription for the
7 medications. Respondent picked up the medication. On or about November 11, 2002,
8 respondent illegally obtained 100 tablets of Librax, by calling Costco pharmacy #41 in Santa
9 Rosa, California, identifying herself as a physician, and ordering the medication for herself.
10 Respondent had no valid prescription for the medication. Respondent picked up the medication.
11 On or about November 22, 2002, respondent illegally obtained 90 tablets of Soma, 90 tablets of
12 Norco, 30 tablets of Restoril, 30 tablets of Midrin, and 30 tablets of Robaxin, by calling Costco
13 pharmacy #41 in Santa Rosa, California, identifying herself as a physician, and ordering the
14 medication for herself. Respondent had no valid prescription for the medications. Respondent
15 picked up the medication.

16 b. On or about January 22, 2003, respondent illegally obtained 90 tablets of
17 Soma by calling **Costco pharmacy #132 in Vallejo**, California, identifying herself as a nurse at a
18 physician's office, and ordering the medication for herself. Respondent had no valid prescription
19 for the medications. Respondent picked up the medication.

20 c. On or about January 25, 2003, respondent illegally obtained 100 tablets of
21 Librax, 100 tablets of Norco, and 100 tablets of Robaxin, by calling **Costco pharmacy #482 in**
22 **Richmond**, California, identifying herself as a nurse at a physician's office, and ordering the
23 medication for herself. Respondent had no valid prescription for the medications. Respondent
24 picked up the medications on January 27, 2003.

25 d. On or about January 31, 2003, respondent illegally obtained 50 capsules of
26 Fiorinal and 6 oz. of Tussionex, by calling **Costco pharmacy #471 in Sacramento**, California,
27 identifying herself as a physician, and ordering the medications for her father. Respondent had
28 no valid prescription for the medications. Respondent picked up the medications on February 1,

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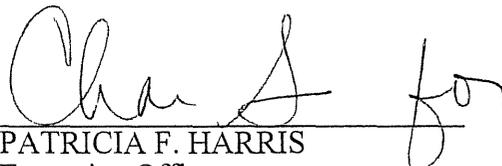
2003.

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 44323, issued to Julie Ann Harris;
- 2. Ordering Julie Ann Harris 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;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 6/24/03.



PATRICIA F. HARRIS
 Executive Officer
 Board of Pharmacy
 Department of Consumer Affairs
 State of California
 Complainant