

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

In the Matter of the Petition for Reduction of
Penalty by:

LAURA KEIKO FUJISAWA
991 Kings Dr. Circle
Reedley, CA 93654

Pharmacist License No. RPH 37589

Petitioner.

OAH No. L2006011034

DECISION

On February 2, 2006, in Los Angeles, California, this matter was heard before a quorum of the State of California Board of Pharmacy, Stan Goldenberg, President. Administrative Law Judge M. Amanda Behe, Office of Administrative Hearings, presided.

Joshua Room, Deputy Attorney General, represented the Department of Justice.

Petitioner Laura Fujisawa appeared on her own behalf.

This matter was submitted on February 2, 2006.

FACTUAL FINDINGS

1. On March 29, 1983, the Board of Pharmacy issued license No. RPH 37589 to petitioner Laura Fujisawa. The license will expire, unless renewed, on December 31, 2006. On January 17, 2005, her license was placed on suspended status.

2. On January 17, 2005, pursuant to a stipulation and settlement in Case No. AC 2726, petitioner's license was revoked, with revocation stayed and the license suspended until such time as she successfully completed the Pharmacist Recovery Program as determined by the board. Petitioner's probation included additional terms and conditions including reimbursement of \$4,760.25 in costs.

The circumstances of Case No. AC 2726 were that petitioner stole large quantities of Tylenol with Codeine and Ambien from Kaiser Permanente, her employer, and was in possession of, and self-administered, Ambien, Cocaine, and Tylenol with Codeine without valid prescriptions.

3. Petitioner is 48 years old. She presented evidence of completion of 51.25 hours of continuing education taken in 2004, before her suspension. Petitioner has paid \$680 of the ordered costs of investigation and prosecution, and owes \$4,080.25. Petitioner is in compliance with the conditions of her suspension and has been submitting quarterly reports as requested by board staff. She has cooperated with the monitoring program.

4. As a result of the unusual language of the stipulation and settlement petitioner is in the unusual "Catch 22" position of being indefinitely suspended until she completes the Pharmacist Recovery Program, but the program requires her to work as a pharmacist under monitoring. She is barred from the latter work because of her suspension, and therefore cannot complete the program.

Petitioner acknowledges that she is new in recovery, and should be monitored in the work environment as determined by the Pharmacist Recovery Program and the board's enforcement staff. She testified that she has a strong foundation for recovery, the support of her family, and is working the steps with her sponsor. On the Monday following the subject hearing she was scheduled to start employment with Tulare County as an Eligibility Worker, but would prefer to return to the field of pharmacy.

Petitioner's testimony established that she acknowledges abuse of cocaine dating back to 1997, and use of other drugs to address the effects of cocaine. She elected to participate in a residential recovery program, and had actively participated in the Pharmacist Recovery Program since February 2005 despite a difficult start related to payment for participation.

LEGAL CONCLUSIONS

The problem presented by the language of the stipulation and settlement can be resolved by the language of the Order set forth below, which was apparently the original intent of the parties.

ORDER

Original Pharmacist License No. RPH 37589, issued to Laura Fujisawa is revoked; however, the revocation is stayed and petitioner is placed on probation for five years dating from January 17, 2005, upon the following terms and conditions:

Obey All Laws

Petitioner shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy. Petitioner shall report any of the following occurrences to the board, in writing, within 72 hours of such occurrence:

an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws,

a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment,

a conviction of any crime,

discipline, citation, or other administrative action filed by any state and federal agency which involves petitioner's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for of any drug, device or controlled substance.

Reporting to the Board

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

Interview with the Board

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

Cooperation with Board Staff

Petitioner shall cooperate with the board's inspectional program and in the board's monitoring and investigation of petitioner's compliance with the terms and conditions of his probation. Failure to comply shall be considered a violation of probation.

Continuing Education

Petitioner shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board.

Notice to Employers

Petitioner shall notify all present and prospective employers of this decision and the terms, conditions and restrictions imposed on petitioner by this decision. Within 30

days of the effective date of this decision, and within 15 days of petitioner undertaking new employment, petitioner shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the board in writing acknowledging the employer has read this decision.

If petitioner works for or is employed by or through a pharmacy employment service, she must notify the direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy of the terms and conditions of this decision in advance of commencing work at each pharmacy.

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

No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge (PIC), or Serving as a Consultant

Petitioner shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall petitioner be the pharmacist-in-charge of any entity licensed by the board unless otherwise specified in this order.

Reimbursement of Board Costs

Petitioner shall pay to the board its costs of investigation and prosecution in the total amount since January 17, 2005, of \$4,460.25 on a payment schedule to be determined by board staff. The filing of bankruptcy by petitioner shall not relieve petitioner of her responsibility to reimburse the board its costs of investigation and prosecution.

Probation Monitoring Costs

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

Status of License

Petitioner shall, at all times while on probation, maintain an active current license with the board, including any period during which suspension or probation is tolled. If petitioner's license expires or is cancelled by operation of law or otherwise, upon renewal or reapplication, petitioner's license shall be subject to all terms and conditions of this probation not previously satisfied.

License Surrender while on Probation/Suspension

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

of the license, petitioner will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, petitioner shall relinquish her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Petitioner may not reapply for any license from the board for three years from the effective date of the surrender. Petitioner shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

Notification of Employment/Mailing Address Change

Petitioner shall notify the board in writing within ten days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule if known. Petitioner shall notify the board in writing within 10 days of a change in name, mailing address or phone number.

Tolling of Probation

Should petitioner, regardless of residency, for any reason cease practicing pharmacy for a minimum of eighty hours per calendar month in California, petitioner must notify the board in writing within 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period.

It is a violation of probation for petitioner's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years.

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

Pharmacists Recovery Program

Petitioner is currently enrolled in the PRP, and said participation is now mandatory and is no longer considered a self-referral under Business and Professions Code section 4363, as of the effective date of this decision. Petitioner shall successfully participate in and complete her current contract and any subsequent addendums with the PRP. Probation shall be automatically extended until petitioner successfully completes her treatment contract. Any person terminated from the program shall be automatically suspended upon notice by the board.

Petitioner may not resume the practice of pharmacy until notified by the board in writing. The board shall retain jurisdiction to institute action to terminate probation for any violation of this term.

Random Drug Screening

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

Abstain from Drugs and Alcohol Use

Petitioner 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, petitioner shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the petitioner. Petitioner shall ensure that she is not in the presence of or in the same physical location as individuals who are using illicit substances even if petitioner is not personally ingesting the drugs.

Report of Controlled Substances

Petitioner shall submit quarterly reports to the board the total acquisition and disposition of such controlled substances as the board may direct. Petitioner shall specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such controlled substances. Petitioner shall report on a quarterly basis or as directed by the board. The report shall be delivered or mailed to the board no later than 10 days following the end of the reporting period.

Violation of Probation

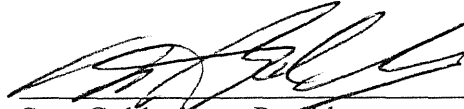
If petitioner violates probation in any respect, the board, after giving petitioner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against petitioner during probation, the board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

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

Completion of Probation

Upon successful completion of probation, petitioner's license will be fully restored.

DATED: March 21, 2006



Stan Goldenberg, President
Board of Pharmacy
State of California

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

In the Matter of the Petition for Reduction of
Penalty by:

Case No. L2006011034

LAURA KEIKO FUJISAWA
991 Kings Dr. Circle
Reedley, CA 93654

Pharmacist License No. RPH 37589

Petitioner.

DECISION AND ORDER

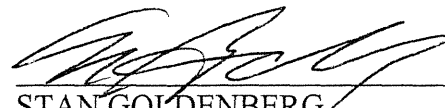
The attached Decision is hereby adopted by the Board of Pharmacy, Department of
Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 27, 2006.

It is so ORDERED March 21, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN GOLDENBERG

Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 KENT D. HARRIS, State Bar No. 144804
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) 324-7859
Facsimile: (916) 327-8643

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. 2726

11 LAURA KEIKO FUJISAWA
12 991 Kings Drive Circle
Reedley, CA 93654

OAH No. N2004060265

13 Pharmacist License No. RPH 37589

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19
20 PARTIES

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

25 2. Respondent Laura Keiko Fujisawa (Respondent) is represented in this
26 proceeding by Yolanda Gonzalez, Professional Representative, whose address is Benninghoff &
27 Ramirez, 31897 Del Obispo, Suite 220, San Juan Capistrano, CA 92675.
28

1 If Respondent fails to successfully complete the Pharmacist Recovery Program within five (5)
2 years of the effective date of this stipulation, her license will be automatically revoked.

3 **2. REHABILITATION PROGRAM**

4 Within ten (10) days of the effective date of this decision, respondent shall contact
5 the Pharmacist Recovery Program for evaluation and shall successfully participate in and
6 complete the treatment contract and any subsequent addendums as recommended and provided
7 by the Pharmacist Recovery Program and as approved by the Board. The costs for the
8 Pharmacist Recovery Program participation shall be borne by the respondent.

9 **3. PETITION FOR TERMINATION OF SUSPENSION**

10 Upon successful completion of the Pharmacist Recovery Program respondent shall
11 file a Petition for Termination of Suspension before the Board of Pharmacy. Respondent shall
12 agree to all and any terms and conditions of probation pursuant to the Board's regulatory
13 disciplinary guidelines the Board may impose at the time of her reinstatement.

14 **4. OBEY ALL LAWS**

15 Respondent shall obey all federal and state laws and regulations substantially related
16 or governing the practice of pharmacy.

17 **5. REPORTING TO THE BOARD**

18 Respondent shall report to the Board or its designee quarterly. The report shall be
19 made either in person or in writing, as directed. If the final report is not made as directed, the
20 suspension shall be extended automatically until such time as the final report is made.

21 **6. INTERVIEW WITH THE BOARD**

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

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7. COOPERATION WITH BOARD STAFF

Respondent shall cooperate with the Board's inspection program and in the Board's monitoring and investigation of the respondent's compliance with the terms and conditions of this stipulated settlement. Failure to cooperate shall be considered a violation of this stipulated settlement.

8. PEER REVIEW

Respondent shall submit to peer review as deemed necessary by the Board.

9. CONTINUING EDUCATION

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

10. REIMBURSEMENT OF BOARD COSTS

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ 4,760.25. Respondent shall make payments as determined by her Board monitor.

If respondent fails to pay the costs as specified by the Board and on or before the date(s) determined by the Board, the Board shall, without affording the respondent notice and the opportunity to be heard, revoke this stipulated settlement and carry out the disciplinary order that was stayed.

11. STIPULATION MONITORING COSTS

Respondent shall pay the costs associated with the Board's monitoring of respondent's compliance with this stipulated settlement in an amount to be determined by the Board each and every year of the stipulated settlement. Such costs shall be payable to the Board at the end of each year of the stipulated settlement. Failure to pay such costs shall be considered a violation of this stipulated settlement.

12. STATUS OF LICENSE

Respondent shall, at all times while suspended, maintain a current license with the Board, including any period during which suspension is tolled.

If respondent's license expires by operation of law or otherwise, upon renewal or

1 reapplication, respondent's license shall be subject to all of the terms of this stipulated settlement
2 not previously satisfied.

3 **13. NOTIFICATION OF MAILING/ADDRESS CHANGE**

4 Within ten (10) days of a change of mailing address, respondent shall notify the
5 Board in writing.

6 **14. TOLLING OF STIPULATED SETTLEMENT**

7 If respondent leaves California to reside or practice outside this state, respondent
8 must notify the Board in writing of the dates of departure and return within ten (10) days of
9 departure or return. Periods of residency, or practice outside California shall not apply to
10 reduction of the stipulated settlement period.

11 It is a violation of this stipulated settlement for respondent's settlement terms to
12 remain tolled pursuant to the provisions of this condition for a period exceeding a consecutive
13 period of three years.

14 **15. TOLLING**

15 If respondent leaves California to reside or practice outside this state, or for any
16 period exceeding ten (10) days (including vacation), respondent must notify the Board in writing
17 of the dates of departure and return. Periods of residency or practice outside the state - or any
18 absence exceeding a period of ten (10) days shall not apply to the reduction of the terms of this
19 stipulated settlement.

20 Respondent shall not practice pharmacy upon returning to this state until
21 notification by the Board the period of suspension has been completed, respondent has
22 successfully completed the Pharmacist Recovery Program and has successfully petitioned for
23 reinstatement of her license.

24 **16. VIOLATION OF THE TERMS OF THIS STIPULATED**
25 **SETTLEMENT**

26 If respondent violates the terms of this stipulated settlement in any respect, the
27 Board, after giving respondent notice and an opportunity to be heard, may revoke this stipulated
28 settlement and carry out the disciplinary order which was stayed. If a petition to revoke this

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DEPARTMENT OF JUSTICE

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1 stipulated settlement or an accusation is filed against respondent during her suspension, the
 2 Board shall have continuing jurisdiction, and the period of suspension shall be extended, until the
 3 petition to revoke, or the accusation is heard and decided. If respondent has not complied with
 4 any term or condition of this stipulated settlement, the Board shall have continuing jurisdiction
 5 over respondent, and respondent's suspension shall automatically be extended until all terms and
 6 conditions have been met or the Board has taken other action as deemed appropriate to treat the
 7 failure to comply as a violation of the stipulated settlement, or to terminate the stipulated
 8 settlement, and to impose the penalty which was stayed.

9 **17. COMPLETION OF THE TERMS OF THIS STIPULATED**
 10 **SETTLEMENT**

11 Upon successful completion of the terms of this stipulated settlement, respondent's
 12 license will be fully restored.

13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 15 discussed it with my representative, Yolanda Gonzalez. I understand the stipulation and the
 16 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
 17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
 18 Decision and Order of the Board of Pharmacy.

19 DATED: 10/21/04
 20 Laura Keiko Fujisawa
 21 LAURA KEIKO FUJISAWA
 Respondent

22 I have read and fully discussed with Respondent Laura Keiko Fujisawa the terms and conditions
 23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
 24 its form and content.

25 DATED: 10/21/2004
 26 Yolanda Gonzalez
 27 YOLANDA GONZALEZ
 Professional Representative for Respondent
 28

1 stipulated settlement or an accusation is filed against respondent during her suspension, the
 2 Board shall have continuing jurisdiction, and the period of suspension shall be extended, until the
 3 petition to revoke, or the accusation is heard and decided. If respondent has not complied with
 4 any term or condition of this stipulated settlement, the Board shall have continuing jurisdiction
 5 over respondent, and respondent's suspension shall automatically be extended until all terms and
 6 conditions have been met or the Board has taken other action as deemed appropriate to treat the
 7 failure to comply as a violation of the stipulated settlement, or to terminate the stipulated
 8 settlement, and to impose the penalty which was stayed.

9 17. COMPLETION OF THE TERMS OF THIS STIPULATED
 10 SETTLEMENT

11 Upon successful completion of the terms of this stipulated settlement, respondent's
 12 license will be fully restored.

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14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 15 discussed it with my representative, Yolanda Gonzalez. I understand the stipulation and the
 16 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
 17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
 18 Decision and Order of the Board of Pharmacy.

19 DATED: 10/21/04
 20 Laura Keiko Fujisawa
 21 LAURA KEIKO FUJISAWA
 Respondent

22 I have read and fully discussed with Respondent Laura Keiko Fujisawa the terms and conditions
 23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
 24 its form and content.

25 DATED: _____
 26
 27 YOLANDA GONZALEZ
 Professional Representative for Respondent

28

1 stipulated settlement or an accusation is filed against respondent during her suspension, the
2 Board shall have continuing jurisdiction, and the period of suspension shall be extended, until the
3 petition to revoke, or the accusation is heard and decided. If respondent has not complied with
4 any term or condition of this stipulated settlement, the Board shall have continuing jurisdiction
5 over respondent, and respondent's suspension shall automatically be extended until all terms and
6 conditions have been met or the Board has taken other action as deemed appropriate to treat the
7 failure to comply as a violation of the stipulated settlement, or to terminate the stipulated
8 settlement, and to impose the penalty which was stayed.

9 **17. COMPLETION OF THE TERMS OF THIS STIPULATED**
10 **SETTLEMENT**

11 Upon successful completion of the terms of this stipulated settlement, respondent's
12 license will be fully restored.

13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
15 discussed it with my representative, Yolanda Gonzalez. I understand the stipulation and the
16 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
18 Decision and Order of the Board of Pharmacy.

19 DATED: _____.

20 _____
21 LAURA KEIKO FUJISAWA
21 Respondent

22 I have read and fully discussed with Respondent Laura Keiko Fujisawa the terms and conditions
23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
24 its form and content.

25 DATED: _____.

26 _____
27 YOLANDA GONZALEZ
28 Professional Representative for Respondent

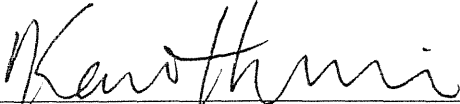
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 11/8/04.

BILL LOCKYER, Attorney General
of the State of California


KENT D. HARRIS
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03583110-SA2003104808
Fujisawa stipulation.wpd

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

In the Matter of the Accusation Against:

LAURA KEIKO FUJISAWA
991 Kings Drive Circle
Reedley, CA 93654

Pharmacist License No. RPH 37589

Respondent.

Case No. 2726

OAH No. N2004060265

DECISION AND ORDER

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

This Decision shall become effective on January 17, 2005.

It is so ORDERED December 17, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2726

1 BILL LOCKYER, Attorney General
of the State of California
2 KENT D. HARRIS, State Bar No. 144804
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) 324-7859
Facsimile: (916) 327-8643
6
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2726

12 LAURA KEIKO FUJISAWA
991 Kings Drive Circle
13 Reedley, CA 93654

A C C U S A T I O N

14 Pharmacist License No. RPH 37589

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about March 29, 1983, the Board of Pharmacy issued Pharmacist
23 License Number RPH 37589 to Laura Keiko Fujisawa (Respondent). The Pharmacist License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2004, unless renewed.

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1 JURISDICTION

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

5 4. Section 4301 of the Code states in pertinent part:

6 "The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct.... Unprofessional conduct shall include, but is not limited to, any of the
8 following:...

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

12

13 "(h) The administering to oneself, of any controlled substance, or the use of any
14 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
15 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
16 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
17 the public the practice authorized by the license.

18 ...

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

21 ...

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

26 5. Section 4060 of the Code states in pertinent part:

27 "No person shall possess any controlled substance, except that furnished to a
28 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished

1 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
2 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1..."

3 6. Section 4022 of the Code states in pertinent part:

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

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

8 ...

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

11
12 7. Section 4327 of the Code states in pertinent part:

13 "Any person who, while on duty, sells, dispenses or compounds any drug while
14 under the influence of any dangerous drug or alcoholic beverages shall be guilty of a
15 misdemeanor."

16 8. Health and Safety Code section 11170 states in pertinent part that no
17 person shall prescribe, administer, or furnish a controlled substance for himself.

18 9. Health and Safety Code section 11350(a) provides in pertinent part that it
19 is unlawful to possess a controlled substance without a valid prescription.

20 10. Section 125.3 of the Code states, in pertinent part, that the Board may
21 request the administrative law judge to direct a licentiate found to have committed a violation or
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
23 and enforcement of the case.

24 DRUGS

25 11. "Cocaine" is a Schedule II controlled substance as designated by Health
26 and Safety Code section 11055(b)(6).

27

28

1 THIRD CAUSE FOR DISCIPLINE

2 (Self-Administration of Controlled Substances--Tylenol with Codeine, Ambien, Cocaine)

3 17. Respondent is subject to disciplinary action under section 4301(h) in that
4 between the dates of 2002 and May 2003, on multiple occasions, by her own admission,
5 respondent administered to herself controlled substances, to wit: Tylenol with Codeine, Ambien,
6 and Cocaine, without a valid prescription therefor.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Working as a Pharmacist While Under the Influence)

9 18. Respondent is subject to disciplinary action under sections 4301(o), 4022,
10 and 4327 in that between the dates of 2002 and May 2003, on multiple occasions, the exact dates
11 of which are unknown, and by her own admission, respondent while on duty as a pharmacist at
12 Kaiser Medical Center, dispensed or compounded drugs while under the influence of controlled
13 substances and dangerous drugs without a valid prescription, to wit: Cocaine, Tylenol with
14 Codeine and Ambien.

15 PRAYER

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

18 A. Revoking or suspending Pharmacist License Number RPH 37589, issued
19 to Laura Keiko Fujisawa;

20 B. Ordering Laura Keiko Fujisawa to pay the Board of Pharmacy the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code section 125.3;

23 C. Taking such other and further action as deemed necessary and proper.

24 DATED: 4/7/04

25 P. F. Harris
26 PATRICIA F. HARRIS
27 Executive Officer
28 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

kdh:2/26/04