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 On January 17, 2005, pursuant to a stipulation and settlement in Case No. AC 2726, petitioner's license was revoked, with revocation stayed and the license suspended until such time as she successfully completed the Pharmacist Recovery Program as determined by the board.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 contendre 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: **LAURA KEIKO FUJISAWA** 991 Kings Dr. Circle Reedley, CA 93654 Pharmacist License No. RPH 37589 Petitioner.	Case No. L2006011034

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

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of the State of California
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Attorneys for Complainant

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 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

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

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

3. On or about March 29, 1983, the Board of Pharmacy issued Pharmacist License No. RPH 37589 to Laura Keiko Fujisawa (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2726 and will expire on December 31, 2004, unless renewed.

JURISDICTION

4. Accusation No. 2726 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 14, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2726 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2726. Respondent has also carefully read, fully discussed with her representative, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2726.

9. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 37589 issued to Respondent Laura Keiko Fujisawa is revoked. However, the revocation is stayed and Respondent's license is suspended under the following terms and conditions:

1. **ACTUAL SUSPENSION**

License number RPH 37589, issued to respondent Laura Keiko Fujisawa is hereby suspended. Said license shall remain suspended until such time as respondent successfully completes the Pharmacist Recovery Program, as determined by the Board.

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

2. **REHABILITATION PROGRAM**

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

3. **PETITION FOR TERMINATION OF SUSPENSION**

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

4. **OBEY ALL LAWS**

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

5. **REPORTING TO THE BOARD**

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

6. **INTERVIEW WITH THE BOARD**

Upon receipt of reasonable notice, respondent shall appear in person for interviews with the Board or its designee upon request at various intervals at a location to be determined by the Board or its designee. Failure to appear for a scheduled interview without prior 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

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

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

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

14. **TOLLING OF STIPULATED SETTLEMENT**

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

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

15. **TOLLING**

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

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

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

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

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

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

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

ACCEPTANCE

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

DATED: 10/21/04

Laura Keiko Fujisawa
LAURA KEIKO FUJISAWA
Respondent

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

DATED: 10/21/2004

Yolanda Gonzalez
YOLANDA GONZALEZ
Professional Representative for Respondent

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

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ACCEPTANCE

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

DATED: 10/21/04

Laura Keiko Fujisawa

LAURA KEIKO FUJISAWA
Respondent

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

DATED: _____.

_____
YOLANDA GONZALEZ
Professional Representative for Respondent

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

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

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

ACCEPTANCE

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

DATED: _____.

_____
LAURA KEIKO FUJISAWA
Respondent

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

DATED: _____.

_____
YOLANDA GONZALEZ
Professional Representative for Respondent

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

BILL LOCKYER, Attorney General
of the State of California
KENT D. HARRIS, State Bar No. 144804
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Attorneys for Complainant

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 **ACCUSATION**

Complainant alleges:

PARTIES

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

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

JURISDICTION

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

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

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

"(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.

....

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

...

"(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.

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

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

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

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

"Dangerous drug"... means any drug ... 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...."

...

"(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 4327 of the Code states in pertinent part:

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

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

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

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

DRUGS

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

12. "Codeine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(H).

13. "Tylenol with Codeine," is a compound consisting of not more than 90 mg. of codeine, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(2), and 300 mg. of acetaminophen per tablet.

14. "Ambien", a depressant, is a brand of zolpidem tartrate, and is a schedule IV controlled substance as designated by Health & Safety Code section 11057 (d).

FIRST CAUSE FOR DISCIPLINE

(Corrupt Acts--Stealing Tylenol with Codeine and Ambien)

15. Respondent is subject to disciplinary action under sections 4301(f) for corrupt acts in that by her own admission, while employed as a pharmacist at Kaiser, in Fresno California, between the dates of 2002 and May 2003, the exact dates which are unknown, she stole Tylenol with Codeine and Ambien, the exact quantities which are unknown, but are estimated to be several thousand tablets.

SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substances--Tylenol with Codeine, Ambien, Cocaine)

16. Respondent is subject to disciplinary action under section 4301(j), 4060, H & S section 11170, and H & S section 11350(a) in that she violated the statutes of this state regulating controlled substances and dangerous drugs as follows:

A. Between the dates of 2002 and May 2003, on multiple occasions, by her own admission, respondent was in possession of Tylenol with Codeine, Ambien, and Cocaine, without a valid prescription therefor.

THIRD CAUSE FOR DISCIPLINE

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

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

FOURTH CAUSE FOR DISCIPLINE

(Working as a Pharmacist While Under the Influence)

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

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:

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

B. Ordering Laura Keiko Fujisawa 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;

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

DATED: 4/7/04

P. F. Harris

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

kdh:2/26/04