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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2731

13 RUSSELL, DARRAN LEMAR, RPH

OAH No. L 2004040137

14 6515 A Paseo Frontera
La Costa, CA 92009

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Pharmacist License No. RPH 27797

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Patricia Harris brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by James
23 M. Ledakis, Deputy Attorney General.

24 2. Russell, Darran Lemar, RPH (Respondent) is representing himself in this
25 proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about July 14, 1972, the California State Board of Pharmacy issued
27 Pharmacist License No. RPH 27797 to Darran Russell, (Respondent). The License was in full
28 force and effect at all times relevant to the charges brought in the Petition to Revoke Probation

1 No. 2731 and will expire on January 31, 2004, unless renewed.

2 JURISDICTION

3 4. The Petition to Revoke Probation was filed before the Board, and is
4 currently pending against Respondent. The Petition to Revoke Probation, the accompanying
5 prior Stipulated Settlement, Accusation, Decision and Order and all other statutorily required
6 documents were properly served on Respondent on February 6, 2004. Respondent timely filed a
7 Request for a hearing contesting the Petition to Revoke Probation. A copy of Petition to Revoke
8 Probation No. 2731 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations
11 in the Petition to Revoke Probation. Respondent also has carefully read, and understands the
12 effects of this Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in the
24 Petition to Revoke Probation related to the prior Stipulated Settlement, Accusation, Decision and
25 Order, and agrees that cause exists for discipline and hereby surrenders his Pharmacist License
26 No. RPH 27797 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation, it enables the
28 Board to accept the surrender of his Pharmacist License without further process.

1 whether to grant or deny the application or petition.

2 17. Should Respondent ever apply or reapply for a new license or certification,
3 or petition for reinstatement of a license, by any other health care licensing agency in the State of
4 California, all of the charges and allegations contained in Petition to Revoke Probation No. 2731
5 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
6 of Issues or any other proceeding seeking to deny or restrict licensure.

7 ACCEPTANCE

8 I have carefully read the Stipulated Surrender of License and Order. I understand
9 the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
10 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
11 by the Decision and Order of the Board.

12 DATED: 10/12/04

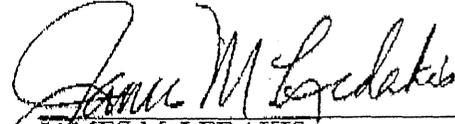
13
14 
15 Darran Russell, RPH (Respondent)
16 Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully
19 submitted for consideration by the Board of Pharmacy.

20 DATED: October 7, 2004

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

24 
25 JAMES M. LEDAKIS
26 Deputy Attorney General
27 Attorneys for Complainant

28 DOJ Matter ID: SD2003800743
80038721.wpd

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

In the Matter of the Accusation Against:

RUSSELL, DARRAN LEMAR, RPH

6515 A Paseo Frontera
La Costa, CA 92009

Pharmacist License No. RPH 27797

Respondent.

Case No. 2731

OAH No. L 2004040137

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board, as its Decision in this matter.

This Decision shall become effective on December 23, 2004.

It is so ORDERED November 23, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A

Petition to Revoke Probation No. 2731

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMES M. LEDAKIS, State Bar No. 132645
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
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Facsimile: (619) 645-2061

7 Attorneys for Complainant

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

11 In the Matter of the Petition to Revoke Probation
12 Against:

Case No. 2731

13 DARRAN LEMAR RUSSELL
6515 A Paseo Frontera
14 La Costa, California 92009

**PETITION TO REVOKE
PROBATION**

15 Pharmacist License No. RPH 27797

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

- 20 1. Patricia F. Harris (Complainant) brings this Accusation and Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Pharmacy, Department of Consumer Affairs.
- 23 2. On or about July 14, 1972, the Board of Pharmacy issued Pharmacist
24 License No. RPH 27797 to Darran Lemar Russell (Respondent). The license was in effect at all
25 times relevant to the charges brought herein. The license is currently on probation and has an
26 expiration date of January 31, 2004.
- 27
28

1 a manner as to be dangerous or injurious to oneself, to a person holding a
2 license under this chapter, or to any other person or to the public, or to the
3 extent that the use impairs the ability of the person to conduct with safety
4 to the public the practice authorized by the license.

5 (i) The conviction of a crime substantially related to the
6 qualifications, functions, and duties of a licensee under this
7 chapter. The record of conviction of a violation of Chapter 13
8 (commencing with Section 801) of Title 21 of the United States
9 Code regulating controlled substances or of a violation of the
10 statutes of this state regulating controlled substances or dangerous
11 drugs shall be conclusive evidence of unprofessional conduct. In
12 all other cases, the record of conviction shall be conclusive
13 evidence only of the fact that the conviction occurred. The board
14 may inquire into the circumstances surrounding the commission of
15 the crime, in order to fix the degree of discipline or, in the case of a
16 conviction not involving controlled substances or dangerous drugs,
17 to determine if the conviction is of an offense substantially related
18 to the qualifications, functions, and duties of a licensee under this
19 chapter. A plea or verdict of guilty or a conviction following a
20 plea of nolo contendere is deemed to be a conviction within the
21 meaning of this provision. The board may take action when the
22 time for appeal has elapsed, or the judgment of conviction has been
23 affirmed on appeal or when an order granting probation is made
24 suspending the imposition of sentence, irrespective of a subsequent
25 order under Section 1203.4 of the Penal Code allowing the person
26 to withdraw his or her plea of guilty and to enter a plea of not
27 guilty, or setting aside the verdict of guilty, or dismissing the
28 accusation, information, or indictment.

7. Section 490 of the Code states:

17 A board may suspend or revoke a license on the ground that the
18 licensee has been convicted of a crime, if the crime is substantially related
19 to the qualifications, functions, or duties of the business or profession for
20 which the license was issued. A conviction within the meaning of this
21 section means a plea or verdict of guilty or a conviction following a plea
22 of nolo contendere. Any action which a board is permitted to take
23 following the establishment of a conviction may be taken when the time
24 for appeal has elapsed, or the judgment of conviction has been affirmed on
25 appeal, or when an order granting probation is made suspending the
26 imposition of sentence, irrespective of a subsequent order under the
27 provisions of Section 1203.4 of the Penal Code.

8. Section 493 of the Code states:

24 Notwithstanding any other provision of law, in a proceeding
25 conducted by a board within the department pursuant to law to deny an
26 application for a license or to suspend or revoke a license or otherwise
27 take disciplinary action against a person who holds a license, upon the
28 ground that the applicant or the licensee has been convicted of a crime
substantially related to the qualifications, functions, and duties of the
licensee in question, the record of conviction of the crime shall be
conclusive evidence of the fact that the conviction occurred, but only of
that fact, and the board may inquire into the circumstances surrounding the

1 commission of the crime in order to fix the degree of discipline or to
2 determine if the conviction is substantially related to the qualifications,
functions, and duties of the licensee in question.

3 As used in this section, 'license' includes 'certificate,' 'permit,'
'authority,' and 'registration.'

4
5 9. Section 125.3 of the Code states, in pertinent part, that the Board may
6 request the administrative law judge to direct a licentiate found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

8
9 10. California Code of Regulations, title 16, section 1770, states that for the
10 purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division
11 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
12 considered substantially related to the qualifications, functions or duties of a licensee or
13 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
14 registrant to perform the functions authorized by his license or registration in a manner consistent
with the public health, safety, or welfare.

15 **FACTUAL ALLEGATIONS:**

16
17 11. Respondent's pharmacy license was placed on five years probation
18 effective July 27, 2002. Respondent violated the terms of his probation by failing to enroll in
19 and complete the Pharmacist Recovery Program, failing to report to the Board on a quarterly
20 basis and failing to pay costs to the Board as part of his probation.

21
22 12. On August 22, 2002, Respondent appeared for a probation office
23 conference with Supervising Inspector, Joan Coyne, to review the terms and conditions of his
24 probation.

25
26 13. On October 16, 2002, the Board received a letter from Respondent
27 indicating that he was retiring from pharmacy to pursue other business interests.

28
14. On January 29, 2003, the Board received a letter from Respondent wherein
he indicated that he wanted to return to the practice of pharmacy and that he would be contacting
the Pharmacists Recovery Program.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Pay Costs To the Board)

22.. At all times after the effective date of Respondent's probation, Condition number eight required that Respondent pay costs in the amount of \$2,324. Respondent has not paid those costs and for this reason is in violation of probation.

23. The allegations in paragraphs 1 through 17 are incorporated herein by reference, as if fully set forth at this point.

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 the probation that was granted by the Board of Pharmacy in Case No. 2464 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 27797 issued to Darran Lemar Russell ;
2. Revoking or suspending Pharmacist License No. RPH 27797 issued to Darran Lemar Russell;
3. Ordering Darran Lemar Russell 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; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 2/6/04



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

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

In the Matter of the Accusation Against:

DARRAN RUSSELL
P.O. Box 13161
Carlsbad, CA 92009

Respondent.

Case No. Administrative Case No. 2464

OAH No. L-2002010601

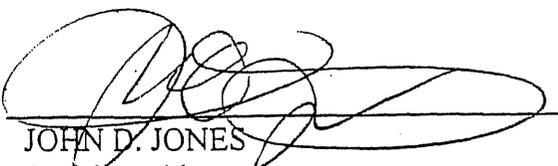
DECISION AND ORDER

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 July 27, 2002.

It is so ORDERED June 27, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: 
JOHN D. JONES
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMES M. LEDAKIS, State Bar No. 132645
Deputy Attorney General
3 California Department of Justice
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7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 DARRAN RUSSELL
13 P.O. Box 13161
14 Carlsbad, CA 92009

15 Respondent.

Case No. Administrative Case No. 2464

OAH No. L-2002010601

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 PARTIES

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

24 2. Darran L. Russell (Respondent) is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about July 14, 1972, the Board of Pharmacy issued Pharmacist
27 License RPH No. 27797 to Darran L. Russell, P.O. Box 131361 Carlsbad, CA 92009
28 (Respondent). Said license will expire on January 31, 2003 unless renewed.

1 governing the practice of pharmacy. Respondent shall report any of the following occurrences to
2 the board, in writing, within 72 hours of such occurrence:

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

14 **2. Reporting to the Board**

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

20 **3. Interview with the Board**

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

25 **4. Cooperation with Board Staff**

26 Respondent shall cooperate with the board's inspectional program and in the board's
27 monitoring and investigation of respondent's compliance with the terms and conditions of his
28 or her probation. Failure to comply shall be considered a violation of probation.

1 **5. Continuing Education**

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

4 **6. Notice to Employers**

5 Respondent shall notify all present and prospective employers of the decision in case number
6 2464 and the terms, conditions and restrictions imposed on respondent by the decision.

7 Within 30 days of the effective date of this decision, and within 15 days of respondent
8 undertaking new employment, respondent shall cause his or her direct supervisor, pharmacist-
9 in-charge and/or owner to report to the board in writing acknowledging the employer has read
10 the decision in case number 2464. If respondent works for or is employed by or through a
11 pharmacy employment service, respondent must notify the direct supervisor, pharmacist-in-
12 charge, and/or owner at every pharmacy of the and terms and conditions of the decision in
13 case number 2464 in advance of the respondent commencing work at each pharmacy.

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

17 **7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge (PIC), or**
18 **Serving as a Consultant**

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

22 **8. Reimbursement of Board Costs**

23 Respondent shall pay to the board its costs of investigation and prosecution in the amount of
24 \$2,324. The filing of bankruptcy by respondent shall not relieve respondent of his or her
25 responsibility to reimburse the board its costs of investigation and prosecution.

26 **9. Probation Monitoring Costs**

27 Respondent shall pay the costs associated with probation monitoring as determined by the
28 board each and every year of probation. Such costs shall be payable to the board at the end of

1 each year of probation. Failure to pay such costs shall be considered a violation of probation.

2 **10. Status of License**

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

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

8 **11. License Surrender while on Probation/Suspension**

9 Following the effective date of this decision, should respondent cease practice due to
10 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
11 respondent may tender his or her license to the board for surrender. The board shall have the
12 discretion whether to grant the request for surrender or take any other action it deems
13 appropriate and reasonable. Upon formal acceptance of the surrender of the license,
14 respondent will no longer be subject to the terms and conditions of probation. Upon
15 acceptance of the surrender, respondent shall relinquish his or her pocket license to the board
16 within 10 days of notification by the board that the surrender is accepted. Respondent may not
17 reapply for any license from the board for three years from the effective date of the surrender.
18 Respondent shall meet all requirements applicable to the license sought as of the date the
19 application for that license is submitted to the board.

20 **12. Notification of Employment/Mailing Address Change**

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

25 **13. Tolling of Probation**

26 Respondent shall work at least 40 hours in each calendar month as a pharmacist and at least an
27 average of 80 hours per month in any six consecutive months. Failure to do so will be a
28 violation of probation. If respondent has not complied with this condition during the

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

5 **14. Violation of Probation**

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

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

16 **15. Completion of Probation**

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

18 **16. Actual Suspension**

19 As part of probation, respondent is suspended from the practice of pharmacy for 90 days
20 beginning the effective date of this decision. During suspension, respondent shall not enter
21 any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-
22 animal drug retailer or any other distributor of drugs which is licensed by the board, or any
23 manufacturer, or where dangerous drugs and devices or controlled substances are maintained.

24 Respondent shall not practice pharmacy nor do any act involving drug selection, selection of
25 stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent
26 manage, administer, or be a consultant to any licensee of the board, or have access to or
27 control the ordering, manufacturing or dispensing of dangerous drugs and devices or
28 controlled substances. Respondent shall not engage in any activity that requires the

1 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of
2 the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician
3 or an exemptee for any entity licensed by the board. Subject to the above restrictions,
4 respondent may continue to own or hold an interest in any pharmacy in which he or she holds
5 an interest at the time this decision becomes effective unless otherwise specified in this order.
6 During suspension, respondent shall not enter any pharmacy area or any portion of the
7 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor
8 of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and
9 devices or controlled substances are maintained. Respondent shall not practice pharmacy nor
10 do any act involving drug selection, selection of stock, manufacturing, compounding,
11 dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant
12 to any licensee of the Board, or have access to or control the ordering, manufacturing or
13 dispensing of dangerous drugs and controlled substances. Respondent shall not engage in any
14 activity that requires the professional judgment of a pharmacist. Respondent shall not direct
15 or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a
16 pharmacy technician or an exemptee for any entity licensed by the board. Subject to the
17 above restrictions, respondent may continue to own or hold an interest in any pharmacy in
18 which he or she holds an interest at the time this decision becomes effective unless otherwise
19 specified in this order.

20 Upon the effective date of this decision, respondent shall not engage in the practice of
21 pharmacy until notified in writing by the board of its determination that respondent is
22 medically fit to practice safely and independently, and the board approves said
23 recommendation.

24 **17. Rehabilitation Program - Pharmacists Recovery Program (PRP) (Appropriate for**
25 **chemical dependency (alcohol, drugs), or psychiatric disorders (mental illness,**
26 **emotional disturbance, gambling)**

27 Within 30 days of the effective date of this decision, respondent shall contact the Pharmacists
28 Recovery Program for evaluation and shall successfully participate in and complete the

1 treatment contract and any subsequent addendums as recommended and provided by the PRP
2 and as approved by the board. The costs for PRP participation shall be borne by the
3 respondent. If respondent is currently enrolled in the PRP, said participation is now
4 mandatory and is no longer considered a self-referral under Business and Professions Code
5 section 4363, as of the effective date of this decision. Respondent shall successfully
6 participate in and complete his or her current contract and any subsequent addendums with the
7 PRP. Probation shall be automatically extended until respondent successfully completes his
8 or her treatment contract. Any person terminated from the program shall be automatically
9 suspended upon notice by the board. Respondent may not resume the practice of pharmacy
10 until notified by the board in writing. The board shall retain jurisdiction to institute action to
11 terminate probation for any violation of this term.

12 **18. Random Drug Screening** (If PRP provision is required, this term is also to be
13 included to allow for continued fluid monitoring by the Board in cases where a respondent
14 successfully complete the PRP before completion of the probation period; terms also
15 appropriate for those cases where the evidence demonstrates that the respondent may have a
16 problem with chemical dependency (drugs, alcohol) but where the PRP is not required.)
17 Within 30 days of the effective date of this decision, respondent shall contact the Pharmacists
18 Recovery Program for evaluation and shall successfully participate in and complete the
19 treatment contract and any subsequent addendums as recommended and provided by the PRP
20 and as approved by the board. The costs for PRP participation shall be borne by the
21 respondent.

22 If respondent is currently enrolled in the PRP, said participation is now mandatory and
23 is no longer considered a self-referral under Business and Professions Code section 4363, as
24 of the effective date of this decision. Respondent shall successfully participate in and
25 complete his or her current contract and any subsequent addendums with the PRP. Probation
26 shall be automatically extended until respondent successfully completes his or her treatment
27 contract. Any person terminated from the program shall be automatically suspended upon
28 notice by the board. Respondent may not resume the practice of pharmacy until notified by

1 the board in writing. The board shall retain jurisdiction to institute action to terminate
2 probation for any violation of this term.

3 **19. Abstain from Drugs and Alcohol Use**

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

10 **20. Supervised Practice**

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

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

18 Within 30 days of the effective date of this decision, respondent shall have his or her
19 supervisor submit notification to the board in writing stating the supervisor has read the
20 decision in case number 2464 and is familiar with the level of supervision as determined by
21 the board.

22 If respondent changes employment, respondent shall have his or her new supervisor,
23 within 15 days after employment commences, submit notification to the board in writing
24 stating the direct supervisor and pharmacist-in-charge have read the decision in case number
25 2464 and is familiar with the level of supervision as determined by the board.

26 Within 10, days of leaving employment, respondent shall notify the board in writing.

27 /
28 /

1 **21. No Ownership of Premises**

2 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
3 administrator, member, officer, director, associate, or partner of any business, firm,
4 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall
5 sell or transfer any legal or beneficial interest in any entity licensed by the board within 90
6 days following the effective date of this decision and shall immediately thereafter provide
7 written proof thereof to the board.

8 **22. Tolling of Suspension**

9 If respondent leaves California to reside or practice outside this state, for any period exceeding
10 10 days (including vacation), respondent must notify the board in writing of the dates of
11 departure and return. Periods of residency or practice outside the state - or any absence
12 exceeding a period of 10 days shall not apply to the reduction of the suspension period.
13 Respondent shall not practice pharmacy upon returning to this state until notified by the board
14 that the period of suspension has been completed.

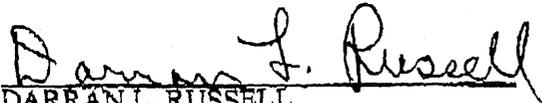
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my pharmacist RPH license number 27797. 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: 5/7/02


DARRAN L. RUSSELL
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: 5-7-02

BILL LOCKYER, Attorney General
of the State of California


JAMES M. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

ACCUSATION

Board of Pharmacy Case No. 2551

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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No.

13 DARRAN RUSSELL
14 P.O. BOX 131361
Carlsbad, CA 92009

A C C U S A T I O N

15 Pharmacist License No. RPH 27797

16 Respondent.
17

18
19 Complainant alleges:

20 PARTIES

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

24 2. On or about July 14, 1972, the Board of Pharmacy issued Pharmacist
25 License Number RPH 27797 to DARRAN RUSSELL ("Respondent"). The License was in full
26 force and effect at all times relevant to the charges brought herein and will expire on January 31,
27 2002, unless renewed.
28

1 between March 1997 and March 1998, while Respondent was working as a licensed Nevada
2 pharmacist, he admitted to unlawfully and wilfully taking an estimated 450 tablets of the
3 aforementioned drugs set forth above from his employer, Rite Aid Pharmacy, located in
4 Gardnerville, Nevada.

5 SECOND CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct for Administering to Oneself a Controlled Substance)

7 15. Respondent is subject to disciplinary action under section 4301(h) in that
8 he admitted to self administration of the aforementioned drugs without a prescription.

9 16. In his statement to the Nevada District Court, dated May 19, 1998,
10 Respondent stated:

11 "In March of 1997, I began treating myself at work for lower back pain and
12 spasm-encountered by being on my feet without break for 10 hour & 12 hour shifts. I
13 became habituated to taking therapeutic doses of pain relievers and muscle relaxants to
14 relieve the discomfort. Because I stay pretty healthy I have a stubborn reluctance to see
15 doctors. In retrospect I wish I had. I am very sorry for any and all trouble, I have caused
16 myself, my former company and associates. I am seeing C.S.A.C-John Glen and doing
17 very well. I want to get on with my life and get into some nutrition and natural healing
18 goals I have."

19 THIRD CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct Because of Revocation, Suspension, or
21 Other Discipline by Another State)

22 17. Respondent is subject to disciplinary action under section 4301(m)
23 because of his theft and self administration of the aforementioned drugs, the Nevada State Board
24 of Pharmacy revoked Respondent's Nevada pharmacy license, but stayed said revocation
25 pending successful completion of five years probation.

26 FOURTH CAUSE FOR DISCIPLINE

27 (Health & Safety Code Violation for Obtaining Controlled
28 Substances through Fraud)

18. Respondent is subject to disciplinary action under section H&S Code
section 11173(a) in that Respondent obtained controlled substances as set forth above by
unlawfully and fraudulently taking them from his former employer, Rite Aid Pharmacy

1 19. Complainant incorporates by reference paragraphs 1-18 above as though
2 fully set forth.

3 FIFTH CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct for Acts that Would Have
5 Warranted Denial of a License)

6 20. Respondent is subject to disciplinary action under section 4301(p) for his
7 fraudulent taking of drugs and self administration of same as set forth above, which conduct
8 would have been the basis for denial of his California Pharmacy license.

9 21. Complainant incorporates by reference paragraphs 1-20, above as though
10 fully set forth.

11 PRAYER

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

14 1. Revoking or suspending License Number Pharmacist License Number
15 RPH 27797, issued to DARRAN RUSSELL;

16 2. Ordering DARRAN RUSSELL to pay the Board of Pharmacy the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 11/21/01

21
22
23 P. J. Harris
24 PATRICIA F. HARRIS
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant