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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2798

11 CYNTHIA ANN DANIELS  
12 1267 Coon Court  
Cool, CA 95614

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 Original Pharmacist License Number 46850

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 Cynthia Ann Daniels (Respondent) is represented in this  
26 proceeding by attorney Christopher Collins, Esq., whose address is 135 Court Street, Auburn,  
27 CA 95603.  
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1 practice pursuant to Penal Code section 23.

2           During suspension, Respondent shall not enter any pharmacy area or any portion  
3 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other  
4 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous  
5 drugs and devices or controlled substances are maintained. Respondent shall not practice  
6 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
7 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or  
8 be a consultant to any licensee of the Board, or have access to or control the ordering,  
9 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

10           Respondent shall not engage in any activity that requires the professional  
11 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of  
12 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for  
13 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to  
14 own or hold an interest in any pharmacy in which she holds an interest at the time this decision  
15 becomes effective unless otherwise specified in this order.

16           Upon completion of the suspension period as calculated above, respondent may  
17 resume practice as directed by the Pharmacist Recovery Program (PRP).

18           2.       **Obey All Laws.** Respondent shall obey all state and federal laws and  
19 regulations substantially related to or governing the practice of pharmacy.

20           Respondent shall report any of the following occurrences to the Board, in writing,  
21 within 72 hours of such occurrence:

- 22       •       an arrest or issuance of a criminal complaint for violation of any provision of the  
23               Pharmacy Law, state and federal food and drug laws, or state and federal  
24               controlled substances laws;
- 25       •       a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
26               any criminal complaint, information or indictment;
- 27       •       a conviction of any crime;
- 28       •       discipline, citation, or other administrative action filed by any state and federal

1 agency which involves Respondent's license or which is related to the practice  
2 of pharmacy or the manufacturing, obtaining, handling or distribution or billing  
3 or charging for any drug, device or controlled substance.

4 **3. Reporting to the Board.** Respondent shall report to the Board  
5 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
6 shall state under penalty of perjury whether there has been compliance with all the terms and  
7 conditions of probation. If the final probation report **is not** made as directed, probation shall  
8 be extended automatically until such time as the final report is made and accepted by the  
9 Board.

10 **4. Interview with the Board.** Upon receipt of reasonable notice,  
11 Respondent shall appear in person for interviews with the Board upon request at various  
12 intervals at a location to be determined by the Board. Failure to appear for a scheduled  
13 interview without prior notification to Board staff shall be considered a violation of probation.

14 **5. Cooperation with Board Staff.** Respondent shall cooperate with the  
15 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
16 compliance with the terms and conditions of her probation. Failure to comply shall be  
17 considered a violation of probation.

18 **6. Continuing Education.** Respondent shall provide evidence of efforts  
19 to maintain skill and knowledge as a pharmacist as directed by the Board.

20 **7. Notice to Employers.** Respondent shall notify all present and  
21 prospective employers of the decision in case number 2798, and the terms, conditions and  
22 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
23 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
24 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
25 writing acknowledging the employer has read the decision in case number 2798.

26 If Respondent works for or is employed by or through a pharmacy employment  
27 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
28 every pharmacy of the and terms conditions of the decision in case number 2798 in advance of

1 the Respondent commencing work at each pharmacy.

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

5 **8. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
6 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
7 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
8 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
9 order.

10 **9. Reimbursement of Board Costs.** Respondent shall pay to the Board  
11 its costs of investigation and prosecution in the amount of \$5,100.00. Respondent shall make  
12 said payments as follows: Quarterly payments over the period of probation.

13 The filing of bankruptcy by Respondent shall not relieve Respondent of her  
14 responsibility to reimburse the Board its costs of investigation and prosecution.

15 **10. Probation Monitoring Costs.** Respondent shall pay the costs  
16 associated with probation monitoring as determined by the Board each and every year of  
17 probation. Such costs shall be payable to the Board at the end of each year of probation.  
18 Failure to pay such costs shall be considered a violation of probation.

19 **11. Status of License.** Respondent shall, at all times while on probation,  
20 maintain an active current license with the Board, including any period during which  
21 suspension or probation is tolled.

22 If Respondent's license expires or is canceled by operation of law or otherwise,  
23 upon renewal or reapplication, Respondent's license shall be subject to all terms and  
24 conditions of this probation not previously satisfied.

25 **12. License Surrender while on Probation/Suspension.**  
26 Following the effective date of this decision, should Respondent cease practice due to  
27 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
28 Respondent may tender her license to the Board for surrender. The Board shall have the

1 discretion whether to grant the request for surrender or take any other action it deems  
2 appropriate and reasonable. Upon formal acceptance of the surrender of the license,  
3 Respondent will no longer be subject to the terms and conditions of probation.

4           Upon acceptance of the surrender, Respondent shall relinquish her pocket  
5 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
6 Respondent may not reapply for any license from the Board for three years from the effective  
7 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
8 as of the date the application for that license is submitted to the Board.

9           **13. Notification of Employment/Mailing Address Change.** Respondent  
10 shall notify the Board in writing within 10 days of any change of employment. Said  
11 notification shall include the reasons for leaving and/or the address of the new employer,  
12 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
13 writing within 10 days of a change in name, mailing address or phone number.

14           **14. Tolling of Probation.** Should Respondent, regardless of residency, for  
15 any reason cease practicing pharmacy for a minimum time period as determined by PRP per  
16 calendar month in California, Respondent must notify the Board in writing within 10 days of  
17 cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such  
18 periods of time shall not apply to the reduction of the probation period. It is a violation of  
19 probation for Respondent's probation to remain tolled pursuant to the provisions of this  
20 condition for a period exceeding three years.

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

24           **15. Violation of Probation.** If Respondent violates probation in any  
25 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
26 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
27 probation or an accusation is filed against Respondent during probation, the Board shall have  
28 continuing jurisdiction and the period of probation shall be extended, until the petition to

1 revoke probation or accusation is heard and decided.

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

7           **16. Completion of Probation.** Upon successful completion of probation,  
8 Respondent's license will be fully restored.

9           **17. Rehabilitation Program - Pharmacists Recovery Program (PRP).**  
10 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
11 Recovery Program for evaluation and shall successfully participate in and complete the  
12 treatment contract and any subsequent addendums as recommended and provided by the PRP  
13 and as approved by the Board. The costs for PRP participation shall be borne by the  
14 Respondent.

15           If Respondent is currently enrolled in the PRP, said participation is now  
16 mandatory and is no longer considered a self-referral under Business and Professions Code  
17 section 4363, as of the effective date of this decision. Respondent shall successfully  
18 participate in and complete her current contract and any subsequent addendums with the PRP.  
19 Probation shall be automatically extended until Respondent successfully completes her  
20 treatment contract. Any person terminated from the program shall be automatically suspended  
21 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified  
22 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate  
23 probation for any violation of this term.

24           **18. Random Drug Screening.** Respondent, at her own expense, shall  
25 participate in random testing, including but not limited to biological fluid testing (urine,  
26 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.  
27 The length of time shall be for the entire probation period and the frequency of testing will be  
28 determined by the Board. At all times Respondent shall fully cooperate with the Board, and



1 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,  
2 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as  
3 directed shall constitute a violation of probation. Any confirmed positive drug test shall result  
4 in the immediate suspension of practice by Respondent. Respondent may not resume the  
5 practice of pharmacy until notified by the Board in writing.

6           19.    **Abstain from Drugs and Alcohol Use.** Respondent shall completely  
7 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their  
8 associated paraphernalia except when the drugs are lawfully prescribed by a licensed  
9 practitioner as part of a documented medical treatment. Upon request of the Board,  
10 Respondent shall provide documentation from the licensed practitioner that the prescription  
11 was legitimately issued and is a necessary part of the treatment of the Respondent. This  
12 paragraph is not intended to prohibit possession of controlled substances, dangerous drugs or  
13 devices as contemplated by paragraph 22 below, if allowed by the PRP.

14           20.    **Supervised Practice.** Respondent shall practice only under the  
15 supervision of a pharmacist not on probation with the Board. Respondent shall not practice  
16 until the supervisor is approved by the Board. The supervision shall be, as required by the  
17 Board, either:

18                   Continuous - 75% to 100% of a work week.

19                   Substantial - At least 50% of a work week.

20                   Partial - At least 25% of a work week.

21                   Daily Review - Supervisor's review of probationer's daily activities within 24  
22 hours.

23           Within 30 days of the effective date of this decision, Respondent shall have her supervisor  
24 submit notification to the Board in writing stating the supervisor has read the decision in case  
25 number 2798 and is familiar with the level of supervision as determined by the Board.

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1 If Respondent changes employment, Respondent shall have her new supervisor,  
2 within 15 days after employment commences, submit notification to the Board in writing  
3 stating the direct supervisor and pharmacist-in-charge have read the decision in case number  
4 2798 and is familiar with the level of supervision as determined by the Board.

5 Within 10, days of leaving employment, Respondent shall notify the Board in  
6 writing.

7 21. **No Ownership of Premises.** Respondent shall not own, have any legal  
8 or beneficial interest in, or serve as a manager, administrator, member, officer, director,  
9 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter  
10 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any  
11 entity licensed by the Board within 90 days following the effective date of this decision and  
12 shall immediately thereafter provide written proof thereof to the Board.


13 22. **No Access to Controlled Substances.** This term applies during the  
14 first two (2) years of probation and it's applicability over respondent is to be determined by  
15 the PRP.

16 Respondent shall not order, possess, dispense or otherwise have access to any controlled  
17 substance(s) in Schedule II, III, IV or V (Health and Safety Code sections 11055-11058  
18 inclusive). Respondent shall not order, receive or retain any triplicate prescription forms.

19 ACCEPTANCE

20 I have carefully read the above Stipulated Settlement and Disciplinary Order  
21 and have fully discussed it with my attorney, Christopher Collins, Esq. I understand the  
22 stipulation and the effect it will have on my Original Pharmacist License Number 46850 . I  
23 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
24 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

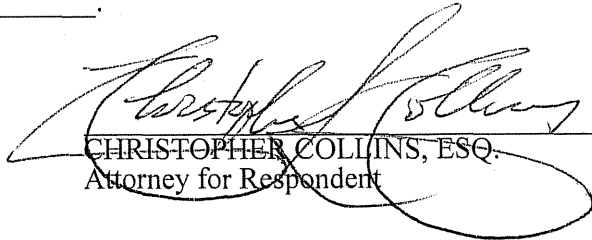
25 DATED: 5-24-05.

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28 CYNTHIA ANN DANIELS  
Respondent

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

DATED: 5-24-05

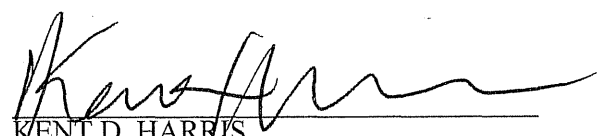
  
CHRISTOPHER COLLINS, ESQ.  
Attorney for Respondent

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: 6/6/05

BILL LOCKYER, Attorney General  
of the State of California

  
KENT D. HARRIS  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: SA2004102776  
Daniels stipulation.wpd

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

In the Matter of the Accusation Against:

Case No. 2798

CYNTHIA ANN DANIELS  
1267 Coon Court  
Cool, CA 95614

Original Pharmacist License Number 46850

Respondent.

**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 August 12, 2005.

It is so ORDERED July 13, 2005.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 2798**

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**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **CYNTHIA ANN DANIELS**  
1267 Coon Court  
13 Cool, CA 95614  
14 **Original Pharmacist License**  
**Number 46850**  
15  
16 Respondent.

Case No. 2788  
**ACCUSATION**

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 January 28, 1994, the Board of Pharmacy ("Board") issued  
23 Original Pharmacist License Number 46850 to Cynthia Ann Daniels ("Respondent"). The  
24 license was in full force and effect at all times relevant to the allegations brought herein and will  
25 expire on June 30, 2005, unless renewed.

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1 (5) Taking any other action in relation to disciplining him or her as the  
2 board in its discretion may deem proper.”

3 6. Section 4301 of the Code provides, in pertinent part:

4 “The board shall take action against any holder of a license who is guilty  
5 of unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
6 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
7 following:

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

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

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

18 (l) The conviction of a crime substantially related to the qualifications,  
19 functions, and duties of a licensee under this chapter. The record of conviction of a violation of  
20 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating  
21 controlled substances or of a violation of the statutes of this state regulating controlled substances  
22 or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases,  
23 the record of conviction shall be conclusive evidence only of the fact that the conviction  
24 occurred. The board may inquire into the circumstances surrounding the commission of the  
25 crime, in order to fix the degree of discipline or, in the case of a conviction not involving  
26 controlled substances or dangerous drugs, to determine if the conviction is of an offense  
27 substantially related to the qualifications, functions, and duties of a licensee under this chapter.  
28 A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a



1 conviction within the meaning of this provision. The board may take action when the time for  
2 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order  
3 granting probation is made suspending the imposition of sentence, irrespective of a subsequent  
4 order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
5 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
6 accusation, information, or indictment.

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

11 7. Section 4026 of the Code provides that the term “furnish” means to supply  
12 by any means, by sale or otherwise.

13 8. Section 4059, subdivision (a) of the Code provides:

14 “A person may not furnish any dangerous drug, except upon the  
15 prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not  
16 furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist,  
17 optometrist, or veterinarian.”

18 9. Section 4060 of the Code provides, in pertinent part:

19 “No person shall possess any controlled substance, except that furnished  
20 to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished  
21 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse  
22 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1.

23 10. Section 4327 of the Code provides:

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

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1 11. Health & Safety Code section 11170 provides:

2 "No person shall prescribe, administer, or furnish a controlled substance  
3 for himself."

4 12. Health & Safety Code section 11350, subdivision (a) provides:

5 "(a) Except as otherwise provided in this division, every person who  
6 possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of  
7 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of  
8 Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision  
9 (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is  
10 a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or  
11 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state  
12 prison."

13 13. California Code of Regulations, title 16, section 1770 provides:

14 "For the purpose of denial, suspension, or revocation of a personal or  
15 facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
16 Professions Code, a crime or act shall be considered substantially related to the qualifications,  
17 functions or duties of a licensee or registrant if to a substantial degree it evidences present or  
18 potential unfitness of a licensee or registrant to perform the functions authorized by his license or  
19 registration in a manner consistent with the public health, safety, or welfare."

20 **Cost Recovery**

21 14. Section 125.3 of the Code provides that the Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations  
23 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

25 **Dangerous Drugs/Controlled Substances**

26 15. "Flexeril" is a brand name for a compound containing Cyclobenzaprine,  
27 and a dangerous drug within the meaning of section 4022 of the Code.

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1 to the qualifications, functions or duties of a licensed pharmacist, as defined by California Code  
2 of Regulations, title 16, section 1770. The particulars of the criminal conviction are as follows:

3 a. On or about June 30, 2004, at and in the County of Sacramento,  
4 State of California, Respondent unlawfully possessed controlled substances, to wit: two (2)  
5 Xanax pills and forty-six (46) Diazepam pills; and,

6 b. On or about and between June 30, 2001, and June 30, 2004, at and  
7 in the County of Sacramento, State of California, Respondent, while an employee of Longs  
8 Drugs, unlawfully and fraudulently appropriated to a use and purpose not in the due and lawful  
9 execution of Respondent's trust, property which Respondent had in her possession and under her  
10 control by virtue of Respondent's trust, and did unlawfully secrete said property with a fraudulent  
11 intent to appropriate it to such a use and purpose contrary to Penal Code section 487,  
12 subdivision (a), said property being of a value exceeding Four Hundred Dollars (\$400), to wit:  
13 drugs, totaling Nine Thousand Five Hundred Two Dollars and Eighty Cents (\$9,502.80).

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unlawful Possession of Controlled Substances and Dangerous Drugs)**

16 28. Respondent's license is subject to disciplinary action under section 4301,  
17 subdivision (j) of the Code, for acts of unprofessional conduct. Specifically, in and during  
18 August 2002, until June 30, 2004, while on-duty as a licensed pharmacist, Respondent self-  
19 prescribed, furnished, and attempted to furnish for her use, approximately 14,000 tablets of  
20 various controlled substances and dangerous drugs containing Hydrocodone, Diazepam,  
21 Alprazolam, Sertraline, Levothyroxine, Carisoprodol, and Cyclobenzaprine by stealing those  
22 substances from Longs Drugs, in violation of Health and Safety Code section 11350,  
23 subdivision (a).

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Stealing Controlled Substances, Dangerous Drugs, and Merchandise)**

26 29. Respondent's license is subject to disciplinary action under section 4301,  
27 subdivision (f) of the Code, for acts of unprofessional conduct, as more particularly set forth  
28 below:

1 a. On multiple occasions during August 2002, until June 30, 2004,  
2 while on-duty as a licensed pharmacist at Longs Drugs, Respondent stole property of a value of  
3 approximately Nine Thousand Five Hundred Two Dollars and Eighty Cents (\$9,502.80), the  
4 property of Longs Drugs; and,

5 b. On or about June 25, 2004, Respondent stole numerous controlled  
6 substances and dangerous drugs while on-duty as a licensed pharmacist at Longs Drugs Store  
7 #008 located in Elk Grove, California. On that same date, while under the influence of  
8 Tussionex (Hydrocodone), Respondent stole merchandise from Longs Drugs Store #008.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Unlawful Self-administration of Controlled Substances and Dangerous Drugs)**

11 30. Respondent's license is subject to disciplinary action under section 4301,  
12 subdivision (h) of the Code, for acts of unprofessional conduct. Specifically, from during and  
13 in August 2002, until on or about June 25, 2004, by her own admission, Respondent self-  
14 administered Hydrocodone, Xanax, Cyclobenzaprine, Zoloft, Synthroid, and Tussionex  
15 (Hydrocodone), in violation of Health and Safety Code section 11170, and to such an extent or  
16 in such a manner as to be dangerous or injurious to Respondent, to any other person, or to the  
17 public, or to such an extent that such usage impaired Respondent's ability to conduct with safety  
18 to the public the practice of a licensed pharmacist.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Dispensing Pharmaceuticals while Under the Influence of**  
21 **Controlled Substances and Dangerous Drugs)**

22 31. Respondent's license is subject to disciplinary action under section 4301,  
23 subdivision (o) of the Code, for acts of unprofessional conduct. Specifically, on or about  
24 June 25, 2004, while on-duty as a licensed pharmacist at Longs Drugs Store #008 located in Elk  
25 Grove, California, Respondent dispensed and compounded pharmaceuticals while under the  
26 influence of Tussionex (Hydrocodone), in violation of section 4327 of the Code.

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1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
3 herein alleged, and that following the hearing the Board issue a decision:

- 4 1. Revoking or suspending Original Pharmacist License Number 46850  
5 issued to Cynthia Ann Daniels;
- 6 2. Ordering Cynthia Ann Daniels to pay the reasonable costs incurred by the  
7 Board in the investigation and enforcement of this case pursuant to section 125.3 of the Code;  
8 and,
- 9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 2/22/05

12  
13  
14 *P. F. Harris*

15 PATRICIA F. HARRIS  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant