



California State Board of Pharmacy

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RECEIVED BY DALE
BOARD OF PHARMACY

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

2015 APR 23 AM 10:56

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>JAMES THOMAS MCCOY</u>	Case No. <u>2833</u>
Address of Record: <u>11963 GLACIER COURT</u> <u>YUCAIPA, CA. 92399</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 2833, I hereby request to surrender my license, License No. 35826. The Board or its designee 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, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

[Signature]
Applicant's Signature

4-22-15
Date

[Signature]
Executive Officer's Approval

4/24/15
Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

JAMES THOMAS MC COY
720 W. Crescent Ave.
Redlands, CA 92373-6751

Pharmacist License No. RPH 35826

Respondent.

Case No. 2833

OAH No. L-2005100115

DECISION AND ORDER


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

This Decision shall become effective on August 24, 2006.

It is so ORDERED July 25, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2564
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 JAMES THOMAS MC COY
720 W. Crescent Ave.
Redlands, CA 92373-6751

13 Pharmacist License No. RPH 35826

14 Respondent.

Case No. 2833

OAH No. L-2005100115

**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 Gillian E. Friedman, Deputy
23 Attorney General.

24 2. Respondent James Thomas Mc Coy (Respondent) is represented in this
25 proceeding by attorney Mark A. Levin, whose address is Trident Center, 11377 Olympic
26 Boulevard, 5th Floor Los Angeles, California 90064-1683.

27 3. On or about August 28, 1980, the Board of Pharmacy issued Pharmacist
28 License No. RPH 35826 to James Thomas Mc Coy. The License was in full force and effect at

1 all times relevant to the charges brought in Accusation No. 2833 and will expire on December
2 31, 2005, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2833 was filed before the Board of Pharmacy, and is
5 currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on May 6, 2005. Respondent timely filed his
7 Notice of Defense contesting the Accusation. A copy of Accusation No. 2833 is attached as
8 exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2833. Respondent has also carefully
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

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

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

23 CULPABILITY

24 8. Respondent understands and agrees that the charges and allegations in
25 Accusation No. 2833, if proven at a hearing, constitute cause for imposing discipline upon his
26 Pharmacist License.

27 9. For the purpose of resolving the Accusation without the expense and
28 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could

1 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
2 his right to contest those charges.

3 10. Respondent agrees that his Pharmacist License is subject to discipline and
4 he agrees to be bound by the Board of Pharmacy's imposition of discipline as set forth in the
5 Disciplinary Order below.

6 CONTINGENCY

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

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

13 DISCIPLINARY ORDER

14 IT IS HEREBY ORDERED that Pharmacist License No. RPH 35826 issued to
15 Respondent James Thomas Mc Coy is revoked. However, the revocation is stayed and
16 Respondent is placed on probation for five (5) years on the following terms and conditions.

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

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

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

1 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
2 or charging for any drug, device or controlled substance.

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

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

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

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

19 6. **Notice to Employers.** Respondent shall notify all present and
20 prospective employers of the decision in Accusation No. 2833 and the terms, conditions and
21 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
22 this decision, and within 15 days of Respondent undertaking new employment, Respondent
23 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
24 writing acknowledging the employer has read the decision in Accusation No. 2833.

25 If Respondent works for or is employed by or through a pharmacy employment
26 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
27 every pharmacy of the and terms conditions of the decision in case number Accusation No.
28 2833 in advance of the Respondent commencing work at each pharmacy.

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

4 7. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
5 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
6 pharmacist or perform any of the duties of a preceptor. Respondent shall not be the
7 pharmacist-in-charge of any entity licensed by the Board, except as set forth in paragraph 19
8 below.

9 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board
10 its costs of investigation and prosecution in the amount of \$8,000. Said payments shall be
11 made on a quarterly basis, with all payments to be completed prior to the completion of the
12 probation period.

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

15 9. **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 10. **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 cancelled 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 11. **License Surrender while on Probation/Suspension.** Following the
26 effective date of this decision, should Respondent cease practice due to retirement or health, or
27 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
28 his license to the Board for surrender. The Board shall have the discretion whether to grant

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

4 Upon acceptance of the surrender, Respondent shall relinquish his 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 **12. 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 **13. Tolling of Probation.** Should Respondent, regardless of residency, for
15 any reason cease practicing pharmacy for a minimum of 40 hours in each calendar month as a
16 pharmacist and at least an average of 80 hours per month in any six consecutive months in
17 California. Failure to do so will be a violation of probation. Respondent must notify the
18 Board in writing within 10 days of cessation of the practice of pharmacy or the resumption of
19 the practice of pharmacy. Such periods of time shall not apply to the reduction of the
20 probation period. It is a violation of probation for Respondent's probation to remain tolled
21 pursuant to the provisions of this condition for a period exceeding three years.

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

26 **14. Violation of Probation.** If Respondent violates probation in any
27 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
28 probation and carry out the disciplinary order which was stayed. If a petition to revoke

1 probation or an accusation is filed against Respondent during probation, the Board shall have
2 continuing jurisdiction and the period of probation shall be extended, until the petition to
3 revoke probation or accusation is heard and decided.

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

9 **15. Completion of Probation.** Upon successful completion of probation,
10 Respondent's license will be fully restored.

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

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

26 **17. Random Drug Screening.** Respondent, at his own expense, shall
27 participate in random testing, including but not limited to biological fluid testing (urine,
28 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.

1 The length of time shall be for the entire probation period and the frequency of testing will be
2 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
3 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
4 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
5 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
6 in the immediate suspension of practice by Respondent. Respondent may not resume the
7 practice of pharmacy until notified by the Board in writing.

8 **18. Abstain from Drugs and Alcohol Use.** Respondent shall completely
9 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
10 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
11 practitioner as part of a documented medical treatment. Upon request of the Board,
12 Respondent shall provide documentation from the licensed practitioner that the prescription
13 was legitimately issued and is a necessary part of the treatment of the Respondent.

14 **19. Consultant for Pharmacist-in-Charge.**

15 Respondent shall not supervise any intern pharmacist, perform the duties of a
16 preceptor or serve as a consultant to any entity licensed by the Board. In the event that the
17 Respondent is currently the pharmacist-in-charge of a pharmacy, the pharmacy shall retain an
18 independent consultant at its own expense who shall be responsible for reviewing pharmacy
19 operations on a monthly basis for compliance by Respondent with state and federal laws and
20 regulations governing the practice of pharmacy and for compliance by Respondent with the
21 obligations of a pharmacist-in-charge. The consultant shall be a pharmacist licensed by and
22 not on probation with the Board and whose name shall be submitted to the Board for its prior
23 approval within 30 days of the effective date of this decision. Respondent shall not be a
24 pharmacist-in-charge at any pharmacy of which he is not the current PIC. The Board may, in
25 case of an employment change by Respondent or for other reasons as deemed appropriate by
26 the Board, preclude the Respondent from acting as a pharmacist-in-charge.

27 **20. Tolling of Suspension.** If Respondent leaves California to reside or
28 practice outside this state, for any period exceeding 10 days (including vacation), Respondent

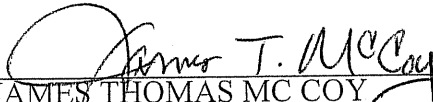
1 must notify the Board in writing of the dates of departure and return. Periods of residency or
2 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the
3 reduction of the suspension period.

4 Respondent shall not practice pharmacy upon returning to this state until
5 notified by the Board that the period of suspension has been completed.

6 ACCEPTANCE


7 I have carefully read the above Stipulated Settlement and Disciplinary Order
8 and have fully discussed it with my attorney, Mark A. Levin. I understand the stipulation and
9 the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Board of Pharmacy.

12
13 DATED: May 12th, 2006.

14
15 
16 JAMES THOMAS MC COY
17 Respondent

18 I have read and fully discussed with Respondent James Thomas Mc Coy the
19 terms and conditions and other matters contained in the above Stipulated Settlement and
20 Disciplinary Order. I approve its form and content.

21
22 DATED: May 12, 2006.

23
24 
25 MARK A. LEVIN
26 Attorney for Respondent

27 ///
28 ///

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ENDORSEMENT

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

DATED: 5/16/06

BILL LOCKYER, Attorney General
of the State of California



GILLIAN E. FRIEDMAN
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2004602584
Stipulation.wpd

Exhibit A
Accusation No. 2833

1 BILL LOCKYER, Attorney General
of the State of California
2 GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2564
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7

8

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

9

10

11 In the Matter of the Accusation Against:

Case No. 2833

12 JAMES THOMAS MC COY
720 W. Crescent Ave.
13 Redlands, CA 92373-6751

A C C U S A T I O N

14 Original Pharmacist License No. RPH 35286

15 Respondent.

16

17

18 Complainant alleges:

19

PARTIES

20

21 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
22 Affairs.

23

24 2. On or about August 28, 1980, the Board of Pharmacy issued Original
Pharmacist License No. RPH 35826 to James Thomas Mc Coy (Respondent). The Pharmacist
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2005, unless renewed.

27

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28

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JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code provides, in pertinent part, that every license
6 issued by the Board is subject to discipline, including suspension or revocation.

7 5. Section 4301 of the Code states:

8 "The board shall take action against any holder of a license who is guilty of
9 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
10 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
11 following:

12

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

16

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

19

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

24 6. Section 4060 of the Code states, in pertinent part, that:

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

27 ///

28 ///

1 7. Section 4081 of the Code states:

2 "(a) All records of manufacture and of sale, acquisition, or disposition of
3 dangerous drugs or dangerous devices shall be at all times during business hours open to
4 inspection by authorized officers of the law, and shall be preserved for at least three years from
5 the date of making. A current inventory shall be kept by every manufacturer, wholesaler,
6 pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian,
7 laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked
8 certificate, license, permit, registration, or exemption under Division 2 (commencing with
9 Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000)
10 of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or
11 dangerous devices.

12 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
13 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee,
14 for maintaining the records and inventory described in this section."

15 8. Health and Safety Code section 11158, subdivision (a), states:

16 "Except as provided in Section 11159 or in subdivision (b) of this section, no
17 controlled substance classified in Schedule II shall be dispensed without a prescription meeting
18 the requirements of this chapter. Except as provided in Section 11159 or when dispensed
19 directly to an ultimate user by a practitioner, other than a pharmacist or pharmacy, no controlled
20 substance classified in Schedule III, IV, or V may be dispensed without a prescription meeting
21 the requirements of this chapter."

22 9. Health and Safety Code section 11170 states: "No person shall prescribe,
23 administer, or furnish a controlled substance for himself."

24 10. Health and Safety Code section 11171 states: "No person shall prescribe,
25 administer, or furnish a controlled substance except under the conditions and in the manner
26 provided by this division."

27 //

28 ///

1 California Code of Regulations, title 16, section 1718, in that between March 17, 2003 and
2 December 11, 2003, while employed as the pharmacist-in-charge at Loma Linda University
3 Community Hospital, Loma Linda, California (LLUCH), Respondent failed to ensure that
4 complete and accurate records were maintained for the current inventory of Fentanyl, a Schedule
5 II Controlled Substance. The poor record keeping of the hospital and lack of supervision of
6 technicians while performing inventory duties over controlled substances, allowed irregularities
7 and discrepancies in the inventory to go unnoticed for at least 9 months.

8 SECOND CAUSE FOR DISCIPLINE

9 (Obtaining a Controlled Substance by Fraud or Deceit)

10 17. Respondent is subject to disciplinary action under sections 4300 and 4301
11 subdivision (f) of the Business and Professions Code, for unprofessional conduct, for violating
12 Health and Safety Code section 11173, subdivision (a)(1) and (2), while employed as the
13 pharmacist-in-charge at LLUCH, Respondent obtained Fentanyl by fraud, deceit, or concealment,
14 for his personal use, without a prescription from an authorized prescriber. Respondent took
15 Fentanyl from LLUCH by concealment, for his personal use, without authorization or
16 permission.

17 THIRD CAUSE FOR DISCIPLINE

18 (Furnishing or Self Administration of a Controlled Substance Without a Prescription)

19 18. Respondent is subject to disciplinary action under sections 4300 and 4301
20 subdivisions (j) and (o) of the Business and Professions Code, for unprofessional conduct, for
21 violating Business and Professions code section 4060 and Health and Safety Code sections
22 11350, subdivision (a), 11170, and 11171, in that on or about October 7, 2003, Respondent tested
23 positive for Fentanyl on October 7, 2003, which indicated self-administration of Fentanyl by
24 Respondent.

25 FOURTH CAUSE FOR DISCIPLINE

26 (Furnishing a Controlled Substance Without a Prescription)

27 19. Respondent is subject to disciplinary action under sections 4300 and 4301
28 subdivisions (j) and (o) of the Business and Professions Code, for unprofessional conduct, for

1 violating Business and Professions code section 4060 and Health and Safety Code sections
2 11350, subdivision (a), 11158(a), in that on or about October 7, 2003, Respondent tested positive
3 for Fentanyl, when he did not have a prescription from an authorized prescriber for this drug.

4 PRAYER

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

- 7 1. Revoking or suspending Original Pharmacist License No. RPH 35826 to
8 James Thomas Mc Coy;
- 9 2. Ordering James Thomas Mc Coy to pay the Board of Pharmacy the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 5/2/05

14
15 P. F. Harris
16 PATRICIA F. HARRIS
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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