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7

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

11 In the Matter of the Accusation Against:
12 WILLIAM F. MOREA
6039 Cypress Garden Blvd #143
13 Winter Haven, FL 33884
14 Original Pharmacist License No. RPH 44753
15 Respondent.
16

Case No. 2945

OAH No. N-2006040225

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding 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 Lorrie M. Yost, Deputy Attorney
23 General.

24 2. William F. Morea (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 September 4, 1991, the Board of Pharmacy issued Original
27 Pharmacist License No. RPH 44753 to William F. Morea (Respondent). The original pharmacist

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1 license was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2945 and will expire on April 30, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2945 was filed before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on January 27,
7 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2945 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 Accusation No. 2945. Respondent also has carefully read, and understands the effects of this
12 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
24 Accusation No. 2945, agrees that cause exists for discipline and hereby surrenders his Original
25 Pharmacist License No. RPH 44753 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the
27 Board to issue an order accepting the surrender of his original pharmacist license without further
28 process.

1 CONTINGENCY

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

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

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

17 ORDER

18 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 44753
19 issued to Respondent William F. Morea is surrendered and accepted by the Board of Pharmacy.

20 13. The surrender of Respondent's original pharmacist license and the
21 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
22 against Respondent. This stipulation constitutes a record of the discipline and shall become a
23 part of Respondent's license history with the Board.

24 14. Respondent shall lose all rights and privileges as a pharmacist in
25 California as of the effective date of the Board's Decision and Order.

26 15. Respondent shall cause to be delivered to the Board both his Original
27 Pharmacist wall and pocket license on or before the effective date of the Decision and Order.

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ENDORSEMENT

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

DATED: August 8, 2006

BILL LOCKYER, Attorney General
of the State of California



LORRIE M. YOST
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2005104971
Morea.S&W.10257028.wpd

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

In the Matter of the Accusation Against:

WILLIAM F. MOREA
6039 Cypress Garden Blvd #143
Winter Haven, FL 33884

Original Pharmacist License No. RPH 44753

Respondent.

Case No. 2945

OAH No. N-2006040225

DECISION AND ORDER

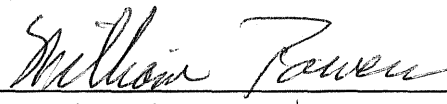
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 8, 2006.

It is so ORDERED November 8, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A
Accusation No. 2945

1 BILL LOCKYER, Attorney General
of the State of California
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11 In the Matter of the Accusation Against:
12 WILLIAM F. MOREA
6039 Cypress Garden Blvd. 143
13 Winter Haven Florida 33884
14 Original Pharmacist License No. RPH 44753
15 Respondent.

Case No. 2945

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 September 4, 1991, the Board of Pharmacy issued Original
23 Pharmacist License Number RPH 44753 to William F. Morea (Respondent). Respondent's
24 original pharmacist license was in full force and effect at all times relevant to the charges brought
25 herein and will expire on April, 30, 2007, unless renewed.

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1 JURISDICTION

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

5 4. Section 4301 of the Code states:

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

10 "(c) Gross negligence.

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

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

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

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

25 5. Section 4022 of the Code states in pertinent part that a dangerous drug is
26 one that is unsafe for self-use in humans or animals, and includes any drug or device that by
27 federal or state law can be lawfully dispensed only on prescription or furnished pursuant to
28 Section 4006.

1 6. Section 4060 of the Code states in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a
3 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
4 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
5 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
6 section shall not apply to the possession of any controlled substance by a manufacturer,
7 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
8 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
9 and address of the supplier or producer.

10 7. Section 4327 states that any person who, while on duty, sells, dispenses or
11 compounds any drug while under the influence of any dangerous drug or alcoholic beverages
12 shall be guilty of a misdemeanor.

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

15 9. Health and Safety Code section 11350(a) states in pertinent part that,
16 except as otherwise provided in this division, every person who possesses any controlled
17 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written
18 prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state,
19 shall be punished by imprisonment in the state prison.

20 10. Section 118, subdivision (b), of the Code provides that the expiration of a
21 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
22 period within which the license may be renewed, restored, reissued or reinstated.

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

27 12. Title 16 California Code of Regulations section 1714(c) states that
28 pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The

1 pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The
2 pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical
3 purposes.

4 DRUGS

5 13. "Hydrocodone" is a Schedule III narcotic and controlled substance
6 pursuant to Health and Safety Code section 11056(e)(4), and a dangerous drug under Business
7 and Professions Code section 4022.

8 14. "OxyContin" is the brand name of a time-release formula of the chemical
9 oxycodone, a narcotic analgesic, a Schedule II controlled substance under Health and Safety
10 Code section 11055(b)(1)(N), and a dangerous drug under Business and Professions Code section
11 4022.

12 FIRST CAUSE FOR DISCIPLINE

13 (Moral Turpitude, Dishonesty, Corrupt Acts)

14 15. Respondent is subject to disciplinary action under section 4301(f) in that
15 on or about April 4, 2005, Respondent committed acts of moral turpitude, deceit and corruption.
16 The facts and circumstances are that Respondent was videotaped stealing drugs from his
17 employer, Longs Drug Store #209 by pouring the contents of a pharmacy bottle of
18 hydrocodone/acetaminophen 10/325 tablets into his hand, and then placing the contents of his
19 hand into his mouth.

20 SECOND CAUSE FOR DISCIPLINE

21 (Unlawful Possession)

22 16. Respondent is subject to disciplinary action under section 4301(j) in that
23 on or about April 4, 2005, he violated a state law regulating controlled substances and dangerous
24 drugs, specifically Health and Safety Code section 11350. The facts and circumstances are that
25 he possessed hydrocodone/acetaminophen 10/325, a Schedule III controlled substance and a
26 narcotic drug, without the written prescription of a physician, dentist, podiatrist, or veterinarian.

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THIRD CAUSE FOR DISCIPLINE

(Unlawful Furnishing)

17. Respondent is subject to disciplinary action under section 4301(j) in that on or about April 4, 2005, he violated a state law regulating controlled substances and dangerous drugs, specifically Health and Safety Code section 11170. The facts and circumstances are that he prescribed, administered and furnished to himself the contents of a pharmacy bottle of hydrocodone/acetaminophen 10/325 tablets belonging to his employer, Longs Drug Store #209.

FOURTH CAUSE FOR DISCIPLINE

(Unlawful Self-administration)

18. Respondent is subject to disciplinary action under section 4301(h) in that on or about April 4, 2005, he administered to himself a controlled substance and dangerous drug to the extent or in a manner as to be dangerous or injurious to himself or others, or to the extent that the use impaired his ability to conduct with safety to the public his practice as a pharmacist. The facts and circumstances are that Respondent poured the contents of a pharmacy bottle of hydrocodone/acetaminophen 10/325 tablets into his hand and then placed the contents of his hand into his mouth.

FIFTH CAUSE FOR DISCIPLINE

(Working While Under the Influence)

19. Respondent is subject to disciplinary action under section 4301(o) in that on or about April 4, 2005, he violated a state law governing pharmacy, specifically section 4327. The facts and circumstances are that, while on duty as the pharmacist in chief at Long Drugs# 209, he sold, dispensed or compounded drugs while under the influence of dangerous drugs hydrocodone/aceaminophen and oxycontin.

SIXTH CAUSE FOR DISCIPLINE

(Gross Negligence)

20. Respondent is subject to disciplinary action under section 4301(c) as that section interacts with California Code of Regulations section 1714(c), in that on or about March 30, 2005, he engaged in acts of gross negligence by failing to maintain the pharmacy and its

1 fixtures and equipment in a clean and orderly condition. The facts and circumstances are that,
2 while on duty at Longs Drugs # 209, Respondent obtained a 60-dram size amber prescription
3 vial, removed his pants and urinated into the vial. After filling the vial, Respondent placed it on
4 the pharmacy counter in the area where patient medications are regularly prepared.

5 PRAYER

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

8 A. Revoking or suspending Original Pharmacist License Number RPH
9 44753, issued to William F. Morea.

10 B. Ordering William F. Morea to pay the Board of Pharmacy the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Business and Professions
12 Code section 125.3;

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

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15 DATED: 1/23/06

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P. J. Harris

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

SA2005104971

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