

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

In the Matter of the Accusation Against:

JACK WELBY PARKER, JR.
1213 Cayetano Drive
Napa, California 94559

Pharmacist License No. RPH 24562

Respondent.

Case No. 3071

OAH No.

DECISION AND ORDER

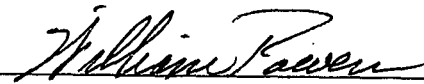
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 5, 2007.

~~It is so~~ ORDERED September 5, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

2007 JUL 31 AM 7:15

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of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Pharmacist License No. RPH 24562

15 Respondent.

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17 In the interest of a prompt and speedy resolution of this matter, consistent with the
18 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Surrender of License and Order to be
20 submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
23 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A.
25 Room, Deputy Attorney General.

26 2. Jack Welby Parker, Jr. (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

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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: 7/27/07

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General



JOSHUA A. ROOM
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2007400757
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OAH No.

A C C U S A T I O N

14 Pharmacist License No. RPH 24562

15 Respondent.

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17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about August 12, 1966, the Board of Pharmacy issued Pharmacist
22 License Number RPH 24562 to Jack Welby Parker, Jr. (Respondent). The Pharmacist License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 April 30, 2009, unless renewed.

25 JURISDICTION

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

1 16. Section 4022 of the Code states, in pertinent part:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
3 self-use, except veterinary drugs that are labeled as such, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
5 without prescription,’ ‘Rx only,’ or words of similar import.

6

7 “(c) Any other drug or device that by federal or state law can be lawfully
8 dispensed only on prescription or furnished pursuant to Section 4006.”

9 17. **Norco, Lortab, Vicodin, and Lorcet** are brand names for compounds of
10 varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled
11 substance designated by Health and Safety Code section 11056(e)(4) and a dangerous drug
12 designated by Business and Professions Code section 4022. These varying compounds are also
13 known as **Hydrocodone with APAP**. These are narcotic pain relief drugs.

14

FACTUAL BACKGROUND

15 18. From in or about February 2006 until on or about August 29, 2006,
16 Respondent worked as a pharmacist at a Kaiser Pharmacy (PHY 36527) in Napa, California.

17 19. During that term of employment, on numerous unknown occasions, while
18 on duty as a pharmacist, Respondent took from pharmacy stock and self-administered numerous
19 unknown quantities of generic **Lortab** elixir, without authorization from a prescriber. During an
20 interview with a Board investigator, Respondent admitted that by March or April 2006, he began
21 drinking the generic **Lortab** elixir on a regular basis, sometimes taking it home but more often
22 imbibing on the job. By August 2006, he was drinking from the bottle up to 4-5 times per shift.
23 Respondent admitted that he was addicted to **hydrocodone**-containing drugs.

24

25 20. A covert camera and video recorder installed in the pharmacy by Kaiser as
26 part of its investigation into possible theft by Respondent documented 13 examples of diversion
of **Lortab** elixir by Respondent during a video recording made on August 25 and 26, 2006.

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28 21. Kaiser reported total losses between February 2006 and July 31, 2006 of at
least 15 pints (7,082 ml) of generic **Lortab** elixir missing from the Kaiser Pharmacy.

DISCIPLINE CONSIDERATIONS

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2 31. To determine the level of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about October 22, 1998, in a prior disciplinary action titled *In the*
4 *Matter of the Accusation Against Jack Welby Parker, Jr.*, Case No. 1975 before the Board of
5 Pharmacy, Respondent's License was subject to prior discipline. By way of a stipulated Decision
6 and Order of the Board effective October 22, 1998, Respondent admitted to misconduct alleged
7 in Accusation No. 1975, including that between May 1 and August 18, 1996, while working as a
8 Pharmacist in Charge, Respondent took from the stock of his employer at least 36 pints of Lortab
9 Elixir, a controlled substance, for his own use and without a prescription, then furnishing and/or
10 administering the drugs to himself. In the stipulated Decision and Order, Pharmacist License No.
11 RPH 24562 was revoked, with revocation stayed and Respondent placed on probation for five (5)
12 years with terms and conditions including a 45-day suspension, completion of the Pharmacists
13 Recovery Program, random fluid testing, and abstention from drug and alcohol testing. That
14 decision is now final and is incorporated by reference as if fully set forth herein.

15 32. To determine the level of discipline, if any, to be imposed on Respondent,
16 Complainant alleges that, as was alleged in Accusation No. 1975 and admitted by Respondent in
17 the stipulated Decision and Order relating thereto, effective March 1, 1982, Respondent's license
18 was disciplined in Board case number 1068, for Respondent's misconduct in obtaining controlled
19 substances from employers for self-administration without prescriber authorization, including by
20 using forged prescriptions, and using them to an extent dangerous to himself. The License was
21 revoked, with revocation stayed and Respondent placed on probation for two (2) years, on terms
22 and conditions including a 5-day suspension and chemical dependency treatment. That decision
23 is now final and is incorporated by reference as if fully set forth herein.

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PRAYER

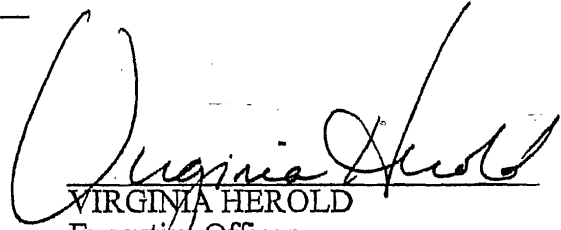
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy (Board) issue a decision:

A. Revoking or suspending Pharmacist License Number RPH 24562, issued to Jack Welby Parker, Jr. (Respondent);

B. Ordering Respondent to pay the Board reasonable costs of investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 6/4/07



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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