

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

In the Matter of the Petition for Early  
Termination of Probation by:

LAWRENCE BELL,

Petitioner.

Case No: 3177

OAH No. 2015050435

**DECISION**

This matter was heard before a quorum of the Board of Pharmacy, State of California, in Irvine, California, on June 3, 2015.

Administrative Law Judge Adam L. Berg, Office of Administrative Hearings, State of California, presided over the hearing.

Supervising Deputy Attorney General Joshua Room represented the Office of the Attorney General, State of California, as authorized by Government Code section 11522.

Petitioner, Lawrence Bell, represented himself.

Petitioner's testimony, petitioner's statement in support of early termination of probation, documents, and the arguments and observations of the Supervising Deputy Attorney General were presented in open session. Board members were invited to, and did, ask questions they deemed necessary to help with their deliberations. Additionally, board members had the opportunity to read and consider petitioner's petition and the exhibits attached to the petition. At the conclusion of the open hearing on the petition, the board met in closed session to deliberate and to vote on whether to approve petitioner's petition.

The matter was submitted on June 3, 2015.

**FACTUAL FINDINGS**

1. On August 12, 1987, the board issued Pharmacist License Number RPH 40966 to petitioner.

2. On December 24, 2008, the executive officer filed an accusation against petitioner's license alleging that petitioner misappropriated gift cards from his employer; and he unlawfully possessed and self-administered controlled substances when he took a teaspoon of his daughter's Tussionex<sup>1</sup> and smoked marijuana on one occasion.

In a Stipulated Settlement and Disciplinary Order petitioner admitted all the allegations contained in the accusation. The stipulation provided that the board would revoke petitioner's license, the revocation would be stayed, and petitioner would be placed on probation for three years with terms and conditions. The board adopted the stipulation effective August 5, 2010.

3. Petitioner's probation has been tolled since May 1, 2012, because of his inability since that date to secure employment as a pharmacist for at least 40 hours a month, as required by condition number 13 in the stipulation.

4. On November 4, 2014, petitioner signed and submitted to the board a Petition for Early Termination of Probation.

5. Petitioner fully complied with all terms and conditions of probation until 2012, when petitioner tested positive for Tramadol,<sup>2</sup> and the board suspended him from practice for ten days. Petitioner explained that the positive test resulted from what he believed to be an error caused by his pharmacy in filling his prescription for Trazadone. He believed that when his pharmacy filled his prescription for Trazadone, the pharmacy mixed-in Tramadol, which is similar in appearance. Thus, petitioner believed he unwittingly took Tramadol, resulting in the positive drug screen.

6. Petitioner was employed as a pharmacist by the same pharmacy that filled his prescription for Trazadone. Once petitioner was suspended, the pharmacy terminated his employment. Petitioner has been unable to secure pharmacist employment since he was terminated. As a result, petitioner has suffered dire financial consequences and has been unable to support his family.

7. Petitioner adamantly contended that a mistake in filling his prescription for Trazadone resulted in his positive drug test. In support of his contention, petitioner submitted a decision from the California Unemployment Insurance Appeals Board upholding petitioner's appeal from a determination disqualifying him from unemployment benefits. Petitioner also

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<sup>1</sup> Tussionex is the brand name for Hydrocodone 10mg/Chlorpheniramine 8 mg, and is categorized as a controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4), and a "dangerous drug" pursuant to Business and Professions Code section 4022

<sup>2</sup> Tramadol is a "dangerous drug" pursuant to Business and Professions Code section 4022.

submitted a consumer complaint he filed with the board alleging that his pharmacy improperly filled his prescription causing him to test positive for Tramadol. As a result of his complaint, the board issued a citation to the pharmacy for failing to document petitioner's complaint of a medication error.

8. Petitioner has had no positive drug tests since testing positive for Tramadol in 2012.

9. Petitioner accepted responsibility for the conduct that led to his license discipline. Petitioner requested early termination of probation because he has complied with all terms of his probation, and he has been unable to obtain employment as a pharmacist while his license remains on probation. He noted his probation would have terminated had it not been for his inability to find employment resulting from his pharmacy's dispensing error and positive drug test. He intends to obtain employment in a community retail pharmacy once he has an unrestricted license.

10. Petitioner submitted numerous documents in support of his petition, including 12 letters of recommendation and certificates demonstrating his completion of board-approved continuing education.

11. Joan Coyne, R.Ph., a supervising inspector for the board, testified that petitioner has complied with all terms of his probation, and she supported petitioner's request for early termination of probation.

12. The Attorney General's Office recommended the early termination of petitioner's probation.

## LEGAL CONCLUSIONS


1. In a proceeding for the restoration of a revoked license, the burden at all times rests on petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.) A person seeking reinstatement of a revoked license must present strong proof of rehabilitation, and the showing must be sufficient to overcome the former adverse determination. The standard of proof is clear and convincing evidence. (*Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d, 308, 315-316.)

2. Petitioner presented clear and convincing evidence that he has been rehabilitated, and it would not be adverse to the public health, safety and welfare to grant his petition for early termination of probation.

ORDER

The application of petitioner, Lawrence Bell, for early termination of probation is granted. Petitioner's license is fully restored.

Dated: July 9, 2015

  
\_\_\_\_\_  
AMY GUTIERREZ, Pharm.D.  
President  
Board of Pharmacy  
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

Case No. 3177

**LAWRENCE STEVEN BELL**

150 Hillview Avenue  
Santa Barbara, CA 93003

Pharmacist License No. RPH 40966

Respondent.

**DECISION AND ORDER**

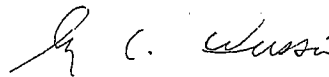
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on August 5, 2010.

It is so ORDERED on July 6, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

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

10 In the Matter of the Accusation Against:

Case No. 3177

11 **LAWRENCE STEVEN BELL**  
12 **150 Hillview Avenue**  
13 **Santa Barbara, CA 93003**  
**Pharmacist License No. RPH 40966**

OAH No. L-2009061410

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Respondent.

15  
16 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 PARTIES

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

25 2. Respondent Lawrence Steven Bell (Respondent) is represented in this proceeding by  
26 attorney Ronald S. Marks, whose address is 21900 Burbank Blvd., Suite 300, Woodland Hills,  
27 CA 91367.

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1           9.     Respondent agrees that his Pharmacist License is subject to discipline and he agrees  
2 to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

3                                   CONTINGENCY

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

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

17          12.    This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
20 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
21 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
22 writing executed by an authorized representative of each of the parties.

23          13.    In consideration of the foregoing admissions and stipulations, the parties agree that  
24 the Board may, without further notice or formal proceeding, issue and enter the following  
25 Disciplinary Order:

26    ∴  
27    ∴  
28    ∴



**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacist License No. RPH 40966 issued to Respondent Lawrence Steven Bell is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

**2. Report to the Board**

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

1           **3. Interview with the Board**

2           Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
3 with the Board or its designee, at such intervals and locations as are determined by the Board or  
4 its designee. Failure to appear for any scheduled interview without prior notification to Board  
5 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
6 during the period of probation, shall be considered a violation of probation.

7           **4. Cooperate with Board Staff**

8           Respondent shall cooperate with the Board's inspection program and with the Board's  
9 ~~monitoring and investigation of Respondent's compliance with the terms and conditions of his~~  
10 probation. Failure to cooperate shall be considered a violation of probation.

11           **5. Continuing Education**

12           Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
13 pharmacist as directed by the Board or its designee.

14           **6. Notice to Employers**

15           During the period of probation, Respondent shall notify all present and prospective  
16 employers of the decision in case number 3177 and the terms, conditions and restrictions imposed  
17 on Respondent by the decision, as follows:

18           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
19 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,  
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
21 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
22 individual(s) has/have read the decision in case number 3177, and terms and conditions imposed  
23 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or  
24 supervisor(s) submit timely acknowledgment(s) to the Board.

25           If Respondent works for or is employed by or through a pharmacy employment service,  
26 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
27 licensed by the Board of the terms and conditions of the decision in case number 3177 in advance  
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1 of the Respondent commencing work at each licensed entity. A record of this notification must  
2 be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
4 (15) days of Respondent undertaking any new employment by or through a pharmacy  
5 employment service, Respondent shall cause his direct supervisor with the pharmacy employment  
6 service to report to the Board in writing acknowledging that he has read the decision in case  
7 number 3177 and the terms and conditions imposed thereby. It shall be Respondent's  
8 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
9 acknowledgment(s) to the Board.

10 Failure to timely notify present or prospective employer(s) or to cause that/those  
11 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
12 probation.

13 "Employment" within the meaning of this provision shall include any full-time,  
14 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
15 position for which a pharmacist license is a requirement or criterion for employment,  
16 whether the Respondent is an employee, independent contractor or volunteer.

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

19 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
20 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the  
21 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
22 unauthorized supervision responsibilities shall be considered a violation of probation.

23 **8. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, Respondent shall pay to the  
25 Board its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall  
26 make said payments pursuant to a payment plan approved by the Board or its designee.

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1           There shall be no deviation from this schedule absent prior written approval by the Board or  
2 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
3 probation.

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

6           **9. Probation Monitoring Costs**

7           Respondent shall pay any costs associated with probation monitoring as determined by the  
8 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
9 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
10 shall be considered a violation of probation.

11           **10. Status of License**

12           Respondent shall, at all times while on probation, maintain an active, current license with  
13 the Board, including any period during which suspension or probation is tolled. Failure to  
14 maintain an active, current license shall be considered a violation of probation.

15           If Respondent's license expires or is cancelled by operation of law or otherwise at any time  
16 during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
17 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this  
18 probation not previously satisfied.

19           **11. License Surrender While on Probation/Suspension**

20           Following the effective date of this decision, should Respondent cease practice due to  
21 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
22 Respondent may tender his license to the Board for surrender. The Board or its designee shall  
23 have the discretion whether to grant the request for surrender or take any other action it deems  
24 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent  
25 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
26 record of discipline and shall become a part of the Respondent's license history with the Board.

27           Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license  
28 to the Board within ten (10) days of notification by the Board that the surrender is accepted.

1 Respondent may not reapply for any license from the Board for three (3) years from the effective  
2 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
3 of the date the application for that license is submitted to the Board, including any outstanding  
4 costs.

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
6 **Employment**

7 Respondent shall notify the Board in writing within ten (10) days of any change of  
8 employment. Said notification shall include the reasons for leaving, the address of the new  
9 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
10 shall further notify the Board in writing within ten (10) days of a change in name, residence  
11 address, mailing address, or phone number.

12 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or  
13 phone number(s) shall be considered a violation of probation.

14 **13. Tolling of Probation**

15 Except during periods of suspension, Respondent shall, at all times while on probation, be  
16 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any  
17 month during which this minimum is not met shall toll the period of probation, i.e., the period of  
18 probation shall be extended by one month for each month during which this minimum is not met.  
19 During any such period of tolling of probation, Respondent must nonetheless comply with all  
20 terms and conditions of probation.

21 Should Respondent, regardless of residency, for any reason (including vacation) cease  
22 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,  
23 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and  
24 must further notify the Board in writing within ten (10) days of the resumption of practice. Any  
25 failure to provide such notification(s) shall be considered a violation of probation.

26 It is a violation of probation for Respondent's probation to remain tolled pursuant to the  
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
28 exceeding thirty-six (36) months.

1 "Cessation of practice" means any calendar month during which Respondent is  
2 not practicing as a pharmacist for at least 40 hours, as defined by Business and  
3 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
4 month during which Respondent is practicing as a pharmacist for at least 40 hours as  
5 a pharmacist as defined by Business and Professions Code section 4000 et seq.

6 **14. Violation of Probation**

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

12 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
14 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
15 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
16 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
17 Board shall have continuing jurisdiction and the period of probation shall be automatically  
18 extended until the petition to revoke probation or accusation is heard and decided.

19 **15. Completion of Probation**

20 Upon written notice by the Board or its designee indicating successful completion of  
21 probation, Respondent's license will be fully restored.

22 **16. Random Drug Screening**

23 Respondent, at his own expense, shall participate in random testing, including but not  
24 limited to, biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
25 screening program as directed by the Board or its designee. Respondent may be required to  
26 participate in testing for the entire probation period and the frequency of testing will be  
27 determined by the Board or its designee. At all times, Respondent shall fully cooperate with the  
28 Board or its designee, and shall, when directed, submit to such tests and samples for the detection

1 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or  
2 its designee may direct. Failure to timely submit to testing as directed shall be considered a  
3 violation of probation. Upon request of the Board or its designee, Respondent shall provide  
4 documentation from a licensed practitioner that the prescription for a detected drug was  
5 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely  
6 provide such documentation shall be considered a violation of probation.

7 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
8 licensed practitioner as part of a documented medical treatment shall be considered a violation of  
9 probation and shall result in the automatic suspension of practice of pharmacy by Respondent.

10 The Board shall advise the Respondent that he is suspended from practice until advised by  
11 the Board that he may return to work. The Board shall also notify the worksite monitor that the  
12 Respondent may not return to work until advised by the Board.

13 Respondent may be returned to work and the suspension of his license shall be lifted upon  
14 two subsequent negative drug screens.

15 In the event of a period of suspension greater than thirty (30) days, the Board shall file a  
16 Petition to Revoke Probation, and Respondent shall be entitled a hearing pursuant to the  
17 Administrative Procedure Act, Government Code section 11370, et. seq.

18 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
19 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
20 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices  
21 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
22 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
23 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
24 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
25 and controlled substances. Respondent shall not resume practice until notified by the Board.

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1 During suspension, Respondent shall not engage in any activity that requires the  
2 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
3 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
4 designated representative for any entity licensed by the Board.

5 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
6 any licensed premises in which he holds an interest at the time this decision becomes effective  
7 unless otherwise specified in this order.

8 Failure to comply with this suspension shall be considered a violation of probation.

9 ~~17.~~ **Prescription Coordination and Monitoring of Prescription Use**

10 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
11 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
12 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
13 Respondent's history [with the use of alcohol, controlled substances, and/or dangerous drugs,  
14 and/or of mental illness, and/or of gambling addiction] and who will coordinate and monitor any  
15 prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs.  
16 The approved practitioner shall be provided with a copy of the Board's [accusation or petition to  
17 revoke probation] and decision. A record of this notification must be provided to the Board upon  
18 request. Respondent shall sign a release authorizing the practitioner to communicate with the  
19 Board about Respondent's treatment(s). The coordinating physician, nurse practitioner, physician  
20 assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of probation  
21 regarding Respondent's compliance with this condition. If any substances considered addictive  
22 have been prescribed, the report shall identify a program for the time limited use of any such  
23 substances. The Board may require that the single coordinating physician, nurse practitioner,  
24 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in  
25 addictive medicine. Should Respondent, for any reason, cease supervision by the approved  
26 practitioner, Respondent shall notify the Board immediately and, within thirty (30) days of  
27 ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician  
28 assistant, or psychiatrist of Respondent's choice to the Board or its designee for its prior approval.



1 Failure to timely submit the selected practitioner or replacement practitioner to the Board for  
2 approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered  
3 a violation of probation.

4 If at any time an approved practitioner determines that Respondent is unable to practice  
5 safely or independently as a pharmacist, the practitioner shall notify the Board immediately by  
6 telephone and follow up by written letter within three (3) working days. Upon notification from  
7 the Board or its designee of this determination, Respondent shall be automatically suspended  
8 and shall not resume practice until notified by the Board that practice may be resumed.

9 In the event of a period of suspension greater than thirty (30) days, the Board shall file a  
10 Petition to Revoke Probation, and Respondent shall be entitled a hearing pursuant to the  
11 Administrative Procedure Act, Government Code section 11370, et. seq.

12 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
13 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor  
14 of drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and  
15 devices or controlled substances are maintained. Respondent shall not practice pharmacy nor  
16 do any act involving drug selection, selection of stock, manufacturing, compounding,  
17 dispensing or patient consultation; nor shall Respondent manage, administer, or be a consultant  
18 to any licensee of the Board, or have access to or control the ordering, manufacturing or  
19 dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice  
20 until notified by the Board.

21 During suspension, Respondent shall not engage in any activity that requires the  
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
24 designated representative for any entity licensed by the Board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
26 any licensed premises in which he or she holds an interest at the time this decision becomes  
27 effective unless otherwise specified in this order.

28 Failure to comply with this suspension shall be considered a violation of probation.

1           **18. Abstain from Drugs and Alcohol Use**

2           Respondent shall completely abstain from the possession or use of alcohol, controlled  
3 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
4 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
5 request of the Board or its designee, Respondent shall provide documentation from the licensed  
6 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
7 treatment of the Respondent. Failure to timely provide such documentation shall be considered a  
8 violation of probation. Respondent shall ensure that he is not in the same physical location as  
9 ~~individuals who are using illicit substances even if Respondent is not personally ingesting the~~  
10 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
11 not supported by the documentation timely provided, and/or any physical proximity to persons  
12 using illicit substances, shall be considered a violation of probation.

13           **19. Community Services Program**

14           Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
15 Board or its designee, for prior approval, a community service program in which Respondent  
16 shall provide free health-care related services on a regular basis to a community or charitable  
17 facility or agency for at least eight (8) hours per month for the first year of probation. Within  
18 thirty (30) days of Board approval thereof, Respondent shall submit documentation to the Board  
19 demonstrating commencement of the community service program. A record of this notification  
20 must be provided to the Board upon request. Respondent shall report on progress with the  
21 community service program in the quarterly reports. Failure to timely submit, commence, or  
22 comply with the program shall be considered a violation of probation.

23           **20. Ethics Course**

24           Within sixty (60) calendar days of the effective date of this decision, or within a timeframe  
25 approved by the Board or its designee, Respondent shall enroll in a course in ethics, at  
26 Respondent's expense, approved in advance by the Board or its designee. Failure to initiate the  
27 course during the first year of probation, and complete it within the second year of probation, is a  
28 violation of probation.

1 Respondent shall submit a certificate of completion to the Board or its designee within five  
2 days after completing the course.

3 **21. Work Site Monitor**

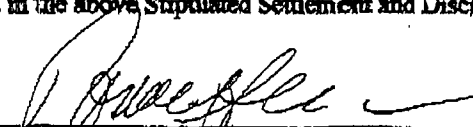
4 Within 10 days of the effective date of this decision, Respondent shall identify a work site  
5 monitor for prior approval by the Board who shall be responsible for supervising/observing  
6 Respondent during working hours. Respondent shall be responsive for ensuring that the work site  
7 monitor reports in writing to the Board quarterly. Should the designated work site monitor  
8 determine at any time during the probationary period that the Respondent has not maintained  
9 sobriety, he or she shall notify the Board immediately, either orally or in writing as directed.  
10 Should Respondent change employment, a new work site monitor must be designated, for prior  
11 approval by the Board, within 10 days of commencing new employment. Failure to identify an  
12 acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to  
13 the Board, shall be considered a violation of probation. The Worksite Monitor may include any  
14 individual(s) employed by Respondent's employer who is not in a subordinate position to  
15 Respondent.

16 ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
18 discussed it with my attorney, Ronald S. Marks. I understand the stipulation and the effect it will  
19 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order  
20 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
21 Board of Pharmacy.

22 DATED: 5-11-2010   
23 LAWRENCE STEVEN BELL  
24 Respondent

25 I have read and fully discussed with Respondent Lawrence Steven Bell the terms and  
26 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

27 DATED: 5/11/10   
28 Ronald S. Marks  
Attorney for Respondent

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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: May 11, 2010

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
*Brian J. West*  
*Deputy Atty General*  
SCOTT J. HARRIS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3177**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 SCOTT J. HARRIS, State Bar No. 238437  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2554  
Facsimile: (213) 897-2804  
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. 3177

11 LAWRENCE STEVEN BELL  
12 150 Hillview Avenue  
Santa Barbara, CA 93003  
13 Pharmacist License No. RPH 40966

**A C C U S A T I O N**

14 Respondent.  
15

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of  
20 Consumer Affairs.

21 2. On or about August 12, 1987, the Board issued Pharmacist License  
22 Number RPH 40966 to Lawrence Steven Bell (Respondent). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on March 31,  
24 2009, unless renewed.

25 JURISDICTION

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

1           4.       Section 4300 of the Code provides, in pertinent part, that the Board is  
2 permitted to take disciplinary action to suspend or revoke a license issued by the Board.

3           5.       Section 4301 of the Code states:

4           "The board shall take action against any holder of a license who is guilty of  
5 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           ...

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

12          ...

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

18          ...

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

21          ...

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

26          6.       Section 4060 of the Code states:

27          "No person shall possess any controlled substance, except that furnished to a  
28 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or

1 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a  
2 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section  
3 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to  
4 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or  
5 clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This  
6 section shall not apply to the possession of any controlled substance by a manufacturer,  
7 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,  
8 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in  
9 stock in containers correctly labeled with the name and address of the supplier or producer.

10 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,  
11 a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs  
12 and devices."

13 7. Health and Safety Code section 11170 states:

14 "No person shall prescribe, administer, or furnish a controlled substance for  
15 himself."

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

20 DANGEROUS DRUGS

21 9. "Tussionex" is the brand name for Hydrocodone 10mg/Chlorpheniramine  
22 8mg, and is categorized as a controlled substance pursuant Health and Safety Code section  
23 11056, subdivision (e)(4), and a "dangerous drug" pursuant to Business and Professions Code  
24 section 4022.

25 10. "Marijuana" is categorized as a controlled substance pursuant to Health  
26 and Safety Code section 11054, subdivision (d)(13), and a "dangerous drug" pursuant to  
27 Business and Professions Code section 4022.

28 \\\



1 FIRST CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 11. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts of  
5 dishonesty, fraud or deceit by misappropriating gift cards of value from his place of  
6 employment. Specifically, Respondent was employed as the Pharmacist-in-Charge of Ralph's  
7 Store #680. As an incentive, Ralph's was giving away \$20.00 gift cards to customers who  
8 transferred or brought in new prescriptions to the pharmacy. Store policy only permitted one gift  
9 card per customer, and were not permitted for refill prescriptions. An internal investigation by  
10 Ralph's revealed that Respondent and a pharmacy technician misappropriated ten (10) \$20.00  
11 gift cards (\$200.00) on or about March 30, 2007. Respondent admitted to using five (5) of the  
12 misappropriated gift cards; and, a Ralph's internal investigation tracked six (6) of the ten (10)  
13 gift cards to Respondent at other Ralph's store locations. Further, Ralph's records indicated that  
14 over a four (4) month period between January 19, 2007 and March 30, 2007, Respondent spent a  
15 total of \$650.00 in gift cards.

16 SECOND CAUSE FOR DISCIPLINE

17 (Violation of Statutes Regulating Controlled Substances)

18 12. Respondent is subject to disciplinary action under Code section 4301,  
19 subdivision (j), on the grounds of unprofessional conduct, in that on or about April 14, 2007,  
20 Respondent possessed two controlled substances for which he did not have a prescription.  
21 Specifically, Respondent possessed Tussionex Suspension, which was prescribed to his  
22 daughter, and Marijuana, in violation of Code section 4060. The circumstances are as follows:  
23 a. On or about April 15, 2007, Respondent was taken to the hospital after  
24 becoming ill while working as the Pharmacist-in-Charge at Ralph's Store #680. The Santa  
25 Barbara Fire Department requested assistance from the Santa Barbara Police Department at that  
26 time. During a subsequent interview with a Santa Barbara Police Department Officer,  
27 Respondent admitted to taking a teaspoon of his daughter's Tussionex Suspension and smoking  
28 marijuana the night before, on April 14, 2007.

1 THIRD CAUSE FOR DISCIPLINE

2 (Administration of Controlled Substances)

3 13. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (h) and (j), on the grounds of unprofessional conduct, for administering a controlled  
5 substance to himself, specifically, Tussionex Suspension and Marijuana, as more fully discussed  
6 in paragraph 12, above, in violation of Health and Safety Code section 11170.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Violation of Chapter)

9 14. Respondent is subject to disciplinary action under Code section 4301,  
10 subdivision (o), on the grounds of unprofessional conduct, in that Respondent violated or  
11 attempted to violate, and/or, assisted in or abetted the violation of the laws and regulations  
12 governing pharmacy by misappropriating gift cards from his place of employment, and  
13 possessing and administering controlled substances to himself, as more fully discussed in  
14 paragraphs 11 through 13, above, which are incorporated herein as set forth in whole.

15 FIFTH CAUSE FO DISCIPLINE

16 (Unprofessional Conduct)

17 15. Respondent is subject to disciplinary action under Code section 4301, in  
18 that Respondent committed unprofessional conduct, as more fully discussed in paragraphs 11  
19 through 14, above, which are incorporated herein as set forth in whole.

20 PRAYER

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

23 1. Revoking or suspending Pharmacist License Number RPH 40966, issued  
24 to Lawrence Steven Bell;

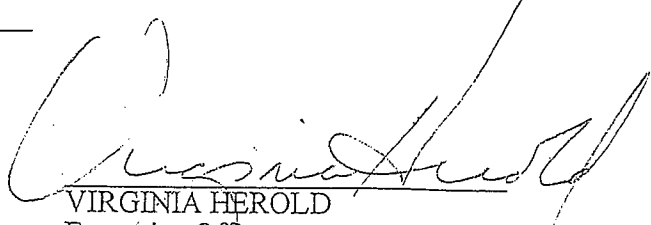
25 2. Ordering Lawrence Steven Bell to pay the Board of Pharmacy the  
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
27 Professions Code section 125.3;

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

DATED: 12/24/08



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

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