

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

In the Matter of the Accusation Against:

Case No. 3179

**CHRISTY ALEXANDER-PEREZ, aka  
CHRISTY LYNN ALEXANDER-PEREZ  
5 Hidden Cove Circle  
Sacramento, CA 95831**

Original Pharmacist No. RPH 53901

Respondent.

**DECISION AND ORDER**

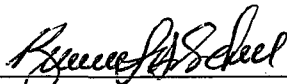
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on February 26, 2009.

It is so ORDERED on January 27, 2009.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN, State Bar No. 193338  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 324-5341  
6 Facsimile: (916) 327-8643  
E-mail: Geoffrey.Allen@doj.ca.gov  
7  
8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3179

12 **CHRISTY ALEXANDER-PEREZ, a.k.a.**  
13 **CHRISTY LYNN ALEXANDER-PEREZ**  
14 5 Hidden Cove Circle  
Sacramento, California 95831

OAH No. 2008080928

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Pharmacist No. RPh 53901

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Respondent Christy Alexander-Perez a.k.a. Christy Lynn Alexander-Perez  
26 (Respondent) is representing herself in this proceeding and has chosen not to exercise her right  
27 to be represented by counsel.

28 ///





1 drugs and devices or controlled substances are maintained. Respondent shall not practice  
2 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
3 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or  
4 be a consultant to any licensee of the Board, or have access to or control the ordering,  
5 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

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

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

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

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

26 3. **Reporting to the Board.** Respondent shall report to the Board  
27 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
28 shall state under penalty of perjury whether there has been compliance with all the terms and

1 conditions of probation. If the final probation report is not made as directed, probation shall  
2 be extended automatically until such time as the final report is made and accepted by the  
3 Board.

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

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

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

14           7.       **Notice to Employers.** Respondent shall notify all present and  
15 prospective employers of the decision in case number 3179 and the terms, conditions and  
16 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
17 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
18 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
19 writing acknowledging the employer has read the decision in case number 3179.

20                   If Respondent works for or is employed by or through a pharmacy employment  
21 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
22 every pharmacy of the and terms conditions of the decision in case number 3179 in advance  
23 of the Respondent commencing work at each pharmacy.

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

27           8.       **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
28 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern

1 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
2 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
3 order.

4           9.       **Reimbursement of Board Costs.** Respondent shall pay to the Board  
5 its costs of investigation and prosecution in the amount of seven thousand, sixty-two dollars  
6 (\$7,062.00). Costs shall be made in quarterly payments or as approved by the Board.

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

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

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

16           If Respondent's License expires or is canceled by operation of law or  
17 otherwise, upon renewal or reapplication, Respondent's License shall be subject to all terms  
18 and conditions of this probation not previously satisfied.

19           12.       **License Surrender while on Probation/Suspension.** Following the  
20 effective date of this decision, should Respondent cease practice due to retirement or health,  
21 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
22 tender her License to the Board for surrender. The Board shall have the discretion whether to  
23 grant the request for surrender or take any other action it deems appropriate and reasonable.  
24 Upon formal acceptance of the surrender of the License, Respondent will no longer be subject  
25 to the terms and conditions of probation.

26           Upon acceptance of the surrender, Respondent shall relinquish her pocket  
27 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
28 Respondent may not reapply for any license from the Board for three years from the effective

1 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
2 as of the date the application for that license is submitted to the Board.

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

8           14.     **Tolling of Probation.** Should Respondent, regardless of residency, for  
9 any reason cease practicing pharmacy for a minimum of forty (40) hours per calendar month  
10 in California, Respondent must notify the Board in writing within ten (10) days of cessation of  
11 the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
12 shall not apply to the reduction of the probation period. It is a violation of probation for  
13 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
14 period exceeding three years.

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

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

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



1                   16.     **Completion of Probation.** Upon successful completion of probation,  
2 Respondent's License will be fully restored.

3                   17.     **Rehabilitation Program - Pharmacists Recovery Program (PRP).**  
4 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
5 Recovery Program for evaluation and shall successfully participate in and complete the  
6 treatment contract and any subsequent addendums as recommended and provided by the PRP  
7 and as approved by the Board. The costs for PRP participation shall be borne by the  
8 Respondent.

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

18                   18.     **Random Drug Screening.** Respondent, at her own expense, shall  
19 participate in random testing, including but not limited to biological fluid testing (urine,  
20 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.  
21 The length of time shall be for the entire probation period and the frequency of testing will be  
22 determined by the Board. At all times Respondent shall fully cooperate with the Board, and  
23 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,  
24 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as  
25 directed shall constitute a violation of probation. Any confirmed positive drug test shall result  
26 in the immediate suspension of practice by Respondent. Respondent may not resume the  
27 practice of pharmacy until notified by the Board in writing.

28     ///

1           19.     **Abstain from Drugs and Alcohol Use.** Respondent shall completely  
2 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and  
3 their associated paraphernalia except when the drugs are lawfully prescribed by a licensed  
4 practitioner as part of a documented medical treatment. Upon request of the Board,  
5 Respondent shall provide documentation from the licensed practitioner that the prescription  
6 was legitimately issued and is a necessary part of the treatment of the Respondent.

7           20.     **Community Services Program.** Within 60 days of the effective date  
8 of this decision, Respondent shall submit to the Board, for its prior approval, a community  
9 service program in which Respondent shall provide free health-care related services on a  
10 regular basis to a community or charitable facility or agency for at least one hundred, eighty  
11 (180) hours. Respondent shall complete her community service prior to the end of probation.

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

16                     Continuous - 75% to 100% of a work week

17                     Substantial - At least 50% of a work week

18                     Partial - At least 25% of a work week

19                     Daily Review - Supervisor's review of probationer's daily activities within 24  
20   hours

21           Within 30 days of the effective date of this decision, Respondent shall have her supervisor  
22 submit notification to the Board in writing stating the supervisor has read the decision in case  
23 number CRF71417 and is familiar with the level of supervision as determined by the Board.

24                     If Respondent changes employment, Respondent shall have her new  
25 supervisor, within 15 days after employment commences, submit notification to the Board in  
26 writing stating the direct supervisor and pharmacist-in-charge have read the decision in case  
27 number CRF71417 and is familiar with the level of supervision as determined by the Board.

28     ///

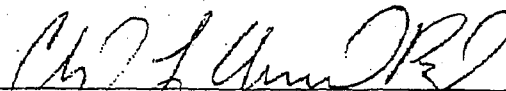
1 Within 10, days of leaving employment, Respondent shall notify the Board in  
2 writing.

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

9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
11 understand the stipulation and the effect it will have on my License. I enter into this  
12 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
13 agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: 12-10-08

15   
16 CHRISTY ALEXANDER-PEREZ  
17 Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby  
20 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
21 Consumer Affairs.

22 DATED: 12/12/08

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

25   
26 GEOFFREY S. ALLEN  
27 Deputy Attorney General  
28 Attorneys for Complainant

27 DOJ Matter ID: SA2007102251  
28 30602628.wpd

Exhibit A  
Accusation No. CRF71417

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN, State Bar No. 193338  
Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 324-5341  
6 Facsimile: (916) 327-8643  
E-mail: Geoffrey.Allen@doj.ca.gov

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3179

12 **CHRISTY ALEXANDER-PEREZ, a.k.a.**  
13 **CHRISTY LYNN ALEXANDER-PEREZ**  
5 Hidden Cove Circle  
14 Sacramento, California 95831

OAH Case No.

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

15 Registered Pharmacist No. RPh 53901

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

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

22 2. On or about September 5, 2002, the Board of Pharmacy issued Registered  
23 Pharmacist License Number RPh 53901 (License) to Christy Alexander-Perez, a.k.a. Christy  
24 Lynn Alexander-Perez (Respondent). The License will expire on June 30, 2010, unless renewed.

25 JURISDICTION

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. Section 4301 of the Code, in pertinent part, states:

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

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

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

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

1 (o) Violating or attempting to violate, directly or indirectly, or  
2 assisting in or abetting the violation of or conspiring to violate any provision or  
3 term of this chapter or of the applicable federal and state laws and regulations  
4 governing pharmacy, including regulations established by the board or by any  
5 other state or federal regulatory agency.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. Section 4022 of the Code states:

Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

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

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

6. Section 4059, subd. (a), of the Code states:

A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

7. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

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







1 paragraph 13. Additional circumstances are as follows:

2 17. Respondent was not provided with a prescription when she furnished the  
3 dangerous drugs in violation of Code section 4059, subd. (a).

4 FOURTH CAUSE FOR DISCIPLINE

5 (Unlawful Self-Administration of Controlled Substances or Dangerous Drugs)

6 18. Respondent is subject to disciplinary action under Code section 4301,  
7 subd. (h) in that Respondent unlawfully self-administered controlled substances and/or dangerous  
8 drugs. The circumstances are as follows:

9 19. Between December of 2006 and February of 2007, on exact dates known  
10 only to Respondent, Respondent self-administered hydrocodone-containing medications,  
11 tramadol, alprazolam, carisoprodol, cyclobenzaprine, amphetamines, and/or methylphenidate.  
12 Respondent did not have a prescription or other legal authority to self-administer the controlled  
13 substances or dangerous drugs.

14 FIFTH CAUSE FOR DISCIPLINE

15 (Working as a Pharmacist Under the Influence)

16 20. Respondent is subject to disciplinary action under Code section 4301,  
17 subd. (o) for violating Code section 4327 in that Respondent worked as a pharmacist while under  
18 the influence of a dangerous drug.

19 21. Between December of 2006 and February of 2007, on exact dates known  
20 only to Respondent, Respondent, while on duty as a pharmacist at Walgreen's pharmacy in West  
21 Sacramento, California, worked while under the influence of hydrocodone-containing  
22 medications, tramadol, alprazolam, carisoprodol, cyclobenzaprine, amphetamines, and/or  
23 methylphenidate.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Conviction)

26 22. Respondent is subject to disciplinary action under Code section 4301,  
27 subd. (l) in that Respondent has been convicted of a crime substantially related to the  
28 qualifications, functions and duties of a pharmacist. The circumstances are as follows:

