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

KEMNETH H. SCHELL Board President

	. 1		• •
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	1	EDMUND G. BROWN JR., Attorney General	
	2	of the State of California ARTHUR D. TAGGART	
	3	Supervising Deputy Attorney General GEOFFREY S. ALLEN, State Bar No. 193338	
	4	Deputy Attorney General 1300 I Street, Suite 125	
	5	P.O. Box 944255	
		Sacramento, CA 94244-2550 Telephone: (916) 324-5341	
•	6	Facsimile: (916) 327-8643 E-mail: Geoffrey.Allen@doj.ca.gov	ала 1
	7.	Attorneys for Complainant	•
	8		
	9	BEFORE THE BOARD OF PHARMACY	
1	0	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
1	1		
1	2	In the Matter of the Accusation Against: Case No. 3179	
	3	CHRISTY ALEXANDER-PEREZ, a.k.a. OAH No. 2008080928 CHRISTY LYNN ALEXANDER-PEREZ	•
		5 Hidden Cove Circle STIPULATED SETTLEMENT AND	•
	4	Sacramento, California 95831 DISCIPLINARY ORDER	·
	.5	Registered Pharmacist No. RPh 53901	
1	.6	Respondent.	•
1	7		
1	.8	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the	•
1	9	above-entitled proceedings that the following matters are true:	
2	20	PARTIES	
2	21	1. Virginia Herold (Complainant) is the Executive Officer of the Board of	• . •
. 2	22	Pharmacy (Board). She brought this action solely in her official capacity and is represented in	
. 2	23	this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Geoffrey S.	
. 2	24	Allen, Deputy Attorney General.	
. 2	25	2. Respondent Christy Alexander-Perez a.k.a. Christy Lynn Alexander-Perez	
2	26	(Respondent) is representing herself in this proceeding and has chosen not to exercise her right	•
	27	to be represented by counsel.	
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3. On or about September 5, 2002, the Board issued Registered Pharmacist License Number RPh 53901 (License) to Respondent. The License will expire on June 30, 2010, unless renewed.

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JURISDICTION

4. Accusation No. CRF71417 (Accusation) was filed before the Board,
Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 29,
2008. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

S. Respondent has carefully read, and understands the charges and
 allegations in the Accusation. Respondent has also carefully read, and understands the effects of
 this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the
Accusation.

9. Respondent agrees that her License is subject to discipline and to be
bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.
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CONTINGENCY

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10. This stipulation shall be subject to approval by the Board of Pharmacy. 2 Respondent understands and agrees that counsel for Complainant and the staff of the Board of 3 Pharmacy may communicate directly with the Board regarding this stipulation and settlement. 4 without notice to or participation by Respondent. By signing the stipulation, Respondent 5 understands and agrees that she may not withdraw her agreement or seek to rescind the 6 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this 7 8 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action 9 between the parties, and the Board shall not be disqualified from further action by having 10 considered this matter. 11

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

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

DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that the License issued to Respondent Christy
20 Alexander-Perez is revoked. However, the revocation is stayed and Respondent is placed on
21 probation for five (5) years on the following terms and conditions.

Actual Suspension - Pharmacist. The License issued to Respondent is
 suspended for a period of one hundred, eighty (180) days beginning the effective date of this
 decision. Respondent shall be given credit for one hundred, eighty (180) days for actual
 suspension already served.

During suspension, Respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous

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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, compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or 3 be a consultant to any licensee of the Board, or have access to or control the ordering, 4 manufacturing or dispensing of dangerous drugs and devices or controlled substances. 5

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 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to 9 own or hold an interest in any pharmacy in which she holds an interest at the time this decision 10 becomes effective unless otherwise specified in this order.

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

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

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

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discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing 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 shall state under penalty of perjury whether there has been compliance with all the terms and .28

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

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Interview with the Board. Upon receipt of reasonable notice, 4 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 interview without prior notification to Board staff shall be considered a violation of probation. 7 Cooperation with Board Staff. Respondent shall cooperate with the 5 .8 Board's inspectional program and in the Board's monitoring and investigation of Respondent's 9 compliance with the terms and conditions of her probation. Failure to comply shall be 10 considered a violation of probation. 11

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

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

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

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

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

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

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9. Reimbursement of Board Costs. Respondent shall pay to the Board its costs of investigation and prosecution in the amount of seven thousand, sixty-two dollars (\$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.

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

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

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

13. Notification of Employment/Mailing Address Change. Respondent shall notify the Board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule if known. Respondent shall notify the Board in 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.

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

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

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

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

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

9 If Respondent is currently enrolled in the PRP, said participation is now mandatory and is no longer considered a self-referral under Business and Professions Code 10 section 4363, as of the effective date of this decision. Respondent shall successfully .11 participate in and complete her current contract and any subsequent addendums with the PRP. 12 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 terminate probation for any violation of this term. 17

Random Drug Screening. Respondent, at her own expense, shall 18 18. 19 participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board. 20 The length of time shall be for the entire probation period and the frequency of testing will be 21 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, hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as 24 directed shall constitute a violation of probation. Any confirmed positive drug test shall result 25 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.

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19. Abstain from Drugs and Alcohol Use. Respondent shall completely 1 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 practitioner as part of a documented medical treatment. Upon request of the Board, 4 5 Respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the Respondent. 6 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 regular basis to a community or charitable facility or agency for at least one hundred, eighty 10 (180) hours. Respondent shall complete her community service prior to the end of probation. 11 Supervised Practice. Respondent shall practice only under the 12 21. 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: Continuous - 75% to 100% of a work week 16 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 submit notification to the Board in writing stating the supervisor has read the decision in case 22 number CRF71417 and is familiar with the level of supervision as determined by the Board. 23 If Respondent changes employment, Respondent shall have her new 2.4 supervisor, within 15 days after employment commences, submit notification to the Board in 25

writing stating the direct supervisor and pharmacist-in-charge have read the decision in case
number CRF71417 and is familiar with the level of supervision as determined by the Board.

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Within 10, days of leaving employment, Respondent shall notify the Board in

writing. 2

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DATED:

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

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I 10 understand the stipulation and the effect it will have on my License. I enter into this 11 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.

CHRISTY AZEXAN Responsent

ENDORSEMENT

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

12-10-08

21 Consumer Affairs. 12/08 22 DATED: 23

DOJ Matter ID: SA2007102251

30602628, word

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

GEOFFREY S. Deputy Attorney General Attorneys/for Complainant

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Exhibit A

Accusation No. CRF71417

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•	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	
	5	P.O. Box 944255 Sacramento, CA 94244-2550	
1	5	Telephone: (916) 324-5341	
	6	Facsimile: (916) 327-8643	
	7	E-mail: Geoffrey.Allen@doj.ca.gov	
۰.	7	Attorneys for Complainant	
	. 8		
		BEFORE	
	9	BOARD OF PHA	
<i>.</i> .	10	DEPARTMENT OF CON STATE OF CAL	
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•	11		
•	12	In the Matter of the Accusation Against:	Case No. 3179
	14	CHRISTY ALEXANDER-PEREZ, a.k.a.	OAH Case No.
. *	13	CHRISTY LYNN ALEXANDER-PEREZ	
•	1 4	5 Hidden Cove Circle	ACCUSATION
•	14	Sacramento, California 95831	•
	15	Registered Pharmacist No. RPh 53901	
	16	Respondent.	
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	•		
	18	Complainant alleges:	
•	· 19	PARTIE	S
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•	20	1. Virginia Herold (Complainant	t) brings this Accusation solely in her official
· · · ·	21	capacity as the Executive Officer of the Board of Ph	armacy Department of Consumer Affairs
· .	22	2. On or about September 5, 200	2, the Board of Pharmacy issued Registered
	23	Pharmacist License Number RPh 53901 (License) to	Christy Alexander-Perez ak a Christy
	20		Chilisty Alexander 1 6162, a.k.a. Chilisty
	24	Lynn Alexander-Perez (Respondent). The License v	vill expire on June 30, 2010, unless renewed.
	25	די ד	
	25	JURISDICT	ION
	26	3. This Accusation is brought be	fore the Board of Pharmacy, Department of
	27	Commune (Affrica (Descrit) and a film of the set	
•	27	Consumer Affairs (Board), under the authority of the	e ionowing laws. All section references are
	28	to the Business and Professions Code unless otherwi	se indicated.

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

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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.

(1) 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.

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

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.

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8. Section 4327 of the Code states, "Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor."

9. Health and Safety Code section 11350, subd. (a), states:

Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of [Health and Safety Code] Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of [Health and Safety Code] Section 11054, or specified in subdivision (b) or (c) of [Health and Safety Code] Section 11055, or specified in subdivision (h) of [Health and Safety Code] Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of physician, dentist, podiatrist, or veterinarian licensed to practice in this state shall be punished by imprisonment in the state prison.

10. Health and Safety Code section 11377, subd. (a), states:

Except as authorized by law or as otherwise provided in subdivision (b) or [Health and Safety Code] Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of [Health and Safety Code] Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of [Health and Safety Code] Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of [Health and Safety Code] Section 11054, or (5) specified in subdivision (d), (e), or (f) of [Health and Safety Code] Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state shall be punished by imprisonment in a county jail for a period of not more that one year or in the state prison.



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11. Section 125.3 of the Code states, in pertinent part, that the Board may

request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Corrupt Acts - Stealing Controlled Substances and Dangerous Drugs)
12. Respondent is subject to disciplinary action under Code section 4301,
subd. (f) in that Respondent engaged in acts involving moral turpitude, dishonesty, fraud, deceit
or corruption. The circumstances are as follows:

1	13. Between December of 2006 and February of 2007, on exact dates known				
2	only to Respondent, Respondent while on duty as a pharmacist stole for personal use				
3	approximately 631 pills of hydrocodone-containing medications ¹ , 10 pills of tramadol ² , 100 pills				
.4	of alprazolam ³ , 40 pills of carisoprodol ⁴ , 5 pills of cyclobenzaprine ⁵ , 20 pills of amphetamines ⁶ ,				
5	and 10 pills of methylphenidate ⁷ from Walgreen's pharmacy in West Sacramento, California.				
6	SECOND CAUSE FOR DISCIPLINE				
7	(Unlawful Possession of Controlled Substances or Dangerous Drugs)				
8	14. Respondent is subject to disciplinary action under Code section 4301,				
9	subds. (j) and (o) in that Respondent unlawfully possessed controlled substances and/or				
10 ·	dangerous drugs as detailed above in paragraph 13. Additional circumstances are as follows:				
11	15. Respondent did not have a prescription for the controlled substances or				
12	dangerous drugs in violation of Code section 4060 and/or Health and Safety Code section 11350,				
13	subd. (a) and/or Health and Safety Code section 11377, subd. (a).				
14	THIRD CAUSE FOR DISCIPLINE				
-15	(Unlawful Furnishing of Dangerous Drugs)				
16	16. Respondent is subject to disciplinary action under Code section 4301,				
17	subds. (j) and (o) in that Respondent unlawfully furnished dangerous drugs as detailed above in				
18					
. 19	1. Hydrocodone-containing medications are Schedule III controlled substances pursuant to Health and Safety Code section 11056, subd. (e), and a dangerous drug pursuant to Code				
- 20	section 4022.				
Ž1	2. Tramadol is a dangerous drug pursuant to Code section 4022.				
22	3. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code				
23	section 11057, subd. (d)(1) and a dangerous drug pursuant to Code section 4022.				
24	4. Carisoprodol is a dangerous drug pursuant to Code section 4022.				
25	5. Cylcobensaprine is a dangerous drug pursuant to Code section 4022.				
26	6. Amphetamines are a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subd. (d)(1) and a dangerous drug pursuant to Code section 4022.				
27	7				
28	7. Methylphenidate is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subd. (d)(6) and a dangerous drug pursuant to Code section 4022.				

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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. (0) 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. (1) 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:

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23. On or about, February 1, 2008, in the Superior Court of California, County of Yolo, in the case entitled, People of the State of California v. Christy Lynn Alexander-Perez (Super. Ct. Yolo County, 2007, Case No. CRF 07001417), Respondent was convicted on her plea of guilty of violating Penal Code sections 503 and 508 (Embezzlement), and Health and Safety Code section 11377, subd. (a), (unauthorized possession of a controlled substance), all misdemeanors. The circumstances of the crimes are detailed above in paragraphs 13-15. Such crimes are substantially related to the functions, qualifications, and duties of a registered pharmacist.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein 10 alleged, and that following the hearing, the Board of Pharmacy issue a decision: 11

12 Revoking or suspending Registered Pharmacist Number RPh 53901, 1. 13 issued to Christy Alexander-Perez, a.k.a. Christy Lynn Alexander-Perez.

Ordering Christy Alexander-Perez, a.k.a. Christy Lynn Alexander-Perez, 2. to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this 16 case, pursuant to Business and Professions Code section 125.3;

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

18 DATED: 7/22/08 19 20

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TRGIN Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant