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

In the Matter of the Accusation Against:

Case No. 3185

ANNETTE JOCELYNE PATTERSON AKA ANNETTE JOCELYNE SANDERS 3675 Mound Avenue Ventura, CA 93003

Pharmacist License No. RPH 42732

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 May 26, 2010.

It is so ORDERED on April 26, 2010.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Bennich H. Scheel

KENNETH H. SCHELL Board President

1	EDMUND G. BROWN JR. Attorney General of California GLORIA A. BARRIOS	
3	Supervising Deputy Attorney General MICHAEL BROWN	
4	Deputy Attorney General State Bar No. 231237	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-2095 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BEFOR BOARD OF P	HARMACY
9	DEPARTMENT OF CO STATE OF CA	
10		
11		Case No. 3185
12	AKA ANNETTE JOCELYNE SANDERS	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER
13	3675 Mound Avenue Ventura, CA 93003	
14	Pharmacist License No. RPH 42732	
15	Respondent.	
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17	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-
18	entitled proceedings that the following matters are	e true:
19	PART	<u>ries</u>
20	1. Virginia Herold (Complainant) is the	Executive Officer of the Board of Pharmacy.
21	She brought this action solely in her official capac	city and is represented in this matter by Edmund
22	G. Brown Jr., Attorney General of the State of Ca	lifornia, by Michael Brown, Deputy Attorney
23	General.	
24	2. Respondent Annette Jocelyne Patterso	on aka Annette Jocelyne Sanders (Respondent)
25	is represented in this proceeding by attorney Robe	ert Hahn, whose address is 5801 Christie
26	Avenue, Suite 385, Emeryville, CA 94608.	· · ·
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1	3. On or about August 8, 1989, the Board of Pharmacy issued Pharmacist License No.
2	RPH 42732 to Annette Jocelyne Patterson aka Annette Jocelyne Sanders (Respondent). The
3	Pharmacist License was in full force and effect at all times relevant to the charges brought in
4	Accusation No. 3185 and will expire on April 30, 2011, unless renewed.
5	JURISDICTION
6	4. Accusation No. 3185 was filed before the Board of Pharmacy (Board), Department of
7	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8	statutorily required documents were properly served on Respondent on April 1, 2009.
9	Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
10	No. 3185 is attached as exhibit 1 and incorporated herein by reference.
11.	ADVISEMENT AND WAIVERS
12	5. Respondent has carefully read, fully discussed with counsel, and understands the
13	charges and allegations in Accusation No. 3185. Respondent has also carefully read, fully
14	discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15	Order.
16	6. Respondent is fully aware of her legal rights in this matter, including the right to a
17	hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18	her own expense; the right to confront and cross-examine the witnesses against her; the right to
19	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
20	compel the attendance of witnesses and the production of documents; the right to reconsideration
21	and court review of an adverse decision; and all other rights accorded by the California
22	Administrative Procedure Act and other applicable laws.
23	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24	every right set forth above.
25	CULPABILITY
26	8. Respondent admits the truth of each and every charge and allegation in Accusation
27	No. 3185.
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STIPULATED SETTLEMENT (3185)

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9. Respondent's admission shall only be for the purpose of proceedings between the Respondent and the Board, and shall not apply to other civil, criminal or administrative proceedings.

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10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this 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 between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

14. 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:

1	DISCIPLINARY ORDER
2	IT IS HEREBY ORDERED that Pharmacist License No. RPH 42732 issued to Respondent
3	Annette Jocelyne Patterson aka Annette Jocelyne Sanders (Respondent) is revoked. However, the
4	revocation is stayed and Respondent is placed on probation for three (3) years on the following
5	terms and conditions.
6	1. Obey All Laws
7	Respondent shall obey all state and federal laws and regulations.
8	Respondent shall report any of the following occurrences to the board, in writing, within
9	seventy-two (72) hours of such occurrence:
10	• an arrest or issuance of a criminal complaint for violation of any provision of the
11	Pharmacy Law, state and federal food and drug laws, or state and federal controlled
12	substances laws
13	• a plea of guilty or nolo contendre in any state or federal criminal proceeding to any
14	criminal complaint, information or indictment
15	• a conviction of any crime
16	• discipline, citation, or other administrative action filed by any state or federal agency
17	which involves Respondent's license or which is related to the practice of pharmacy
18	or the manufacturing, obtaining, handling, distributing, billing, or charging for any
19	drug, device or controlled substance.
20	Failure to timely report such occurrence shall be considered a violation of probation.
21	2. Report to the Board
22	Respondent shall report to the board quarterly, on a schedule as directed by the board or its
23	designee. The report shall be made either in person or in writing, as directed. Among other
24	requirements, Respondent shall state in each report under penalty of perjury whether there has
25	been compliance with all the terms and conditions of probation. Failure to submit timely reports
26	in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
27	in submission of reports as directed may be added to the total period of probation. Moreover, if
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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.

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Interview with the Board

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

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4. Cooperate with Board Staff

Respondent shall cooperate with the board's inspection program and with the board's
 monitoring and investigation of Respondent's compliance with the terms and conditions of her
 probation. Failure to cooperate shall be considered a violation of probation.

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Continuing Education

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

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Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number 3185 and the terms, conditions and restrictions imposed on Respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3185, and terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If Respondent works for or is employed by or through a pharmacy employment service,
Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity

licensed by the board of the terms and conditions of the decision in case number 3185 in advance of the Respondent commencing work at each licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy employment service, Respondent shall cause her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that she has read the decision in case number 3185 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

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Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall make said payments in one lump sum within thirty days of the effective dates of the Board's Order adopting this decision or pursuant to a payment plan approved by the Board.

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

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

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Probation Monitoring Costs

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

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10. Status of License

Respondent shall, at all times while on probation, maintain an active, current license with the board, including any period during which suspension or probation is tolled. Failure to 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.

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11. 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 or its designee 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. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the board.

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

STIPULATED SETTLEMENT (3185)

Respondent may not reapply for any license from the board for three (3) years from the effective 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, including any outstanding costs.

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

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

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

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13. Tolling of Probation

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

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

It is a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months. "Cessation of practice" means any calendar month during which Respondent is not practicing as a pharmacist for at least 40 hours, as defined by Business and Professions Code section 4000 et seq. "Resumption of practice" means any calendar month during which respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

14. Violation of Probation

If a 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 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.

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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.

16. Suspension

As part of probation, Respondent is suspended from the practice of pharmacy for 180 days
with credit for suspension already served through the pharmacist recovery program.

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17. Pharmacists Recovery Program (PRP)

Within thirty (30) days of the effective date of this decision, Respondent shall contact the
Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
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 or its designee. The costs for PRP participation shall be borne by the Respondent.

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If Respondent is currently enrolled in the PRP, said participation is now mandatory and as of the effective date of this decision is no longer considered a self-referral under Business and Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete her current contract and any subsequent addendums with the PRP.

Failure to timely contact or enroll in the PRP, or successfully participate in and complete the treatment contract and/or any addendums, shall be considered a violation of probation.

Probation shall be automatically extended until Respondent successfully completes the PRP. Any person terminated from the PRP program shall be automatically suspended by the board. Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

During suspension, Respondent shall not enter any pharmacy area or any portion of the 17 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of 18 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices 19 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act 20 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient 21 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the 22 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs 23 and controlled substances. Respondent shall not resume practice until notified by the board. 24

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

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

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

Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

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Random Drug Screening 18:

Respondent, at her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug 10 screening program as directed by the board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be 12 determined by the board or its designee. At all times, Respondent shall fully cooperate with the 13 board or its designee, and shall, when directed, submit to such tests and samples for the detection 14 15 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its 16 designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation. Upon request of the board or its designee, Respondent shall provide documentation 17 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is 18 a necessary part of the treatment of the Respondent. Failure to timely provide such 19 documentation shall be considered a violation of probation. Any confirmed positive test for 20 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented 21 medical treatment shall be considered a violation of probation and shall result in the automatic 22 23 suspension of practice of pharmacy by Respondent. Respondent may not resume the practice of pharmacy until notified by the board in writing. 24

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

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

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STIPULATED SETTLEMENT (3185)

19. Abstain from Drugs and Alcohol Use

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

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20. **Supervised Practice**

During the period of probation, Respondent shall practice only under the supervision of a 14 licensed pharmacist not on probation with the board. Upon and after the effective date of this 15 decision, Respondent shall not practice pharmacy and her license shall be automatically 16 17 suspended until a supervisor is approved by the board or its designee. The supervision shall be, as required by the board or its designee, either: 18

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Continuous – At least 75% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

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

Within thirty (30) days of the effective date of this decision, Respondent shall have her 23 supervisor submit notification to the board in writing stating that the supervisor has read the 24 decision in case number 3185 and is familiar with the required level of supervision as determined 25 by the board or its designee. It shall be the Respondent's responsibility to ensure that her 26 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the 27 28 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely

acknowledgements to the board shall be considered a violation of probation.

If Respondent changes employment, it shall be the Respondent's responsibility to ensure that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Respondent shall have her new supervisor, within fifteen (15) days after employment commences, submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge have read the decision in case number 3185 and is familiar with the level of supervision as determined by the board. Respondent shall not practice pharmacy and her license shall be automatically suspended until the board or its designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

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Within ten (10) days of leaving employment, Respondent shall notify the board in writing.

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

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

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

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

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1. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

ACCEPTANCE

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

DATED: 2/20/2010

ANNETTE JOCELYNE PATTERSON AKA ANNETTE JOCELYNE SANDERS Respondent

	•	Respondent	
I have	read and fully discussed	l with Respondent Annette Jocelyne Patterson aka A	anette
Jocelyne Sa	nders the terms and cond	litions and other matters contained in the above Stip	dated
Settlement a	und Disciplinary Order. I	I approve its form and content.	
DATED:	2-22-10.	Cobut Hah	
		Robert Hahn Attorney for Respondent	
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	STIP	ULATED SETTLEMENT (3185)	

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.

2/2010 Dated:

LA2008601124 60507588.doc Respectfully Submitted,

EDMUND G. BROWN JR. Attorney General of California GLORIA A. BARRIOS Supervising Deputy Attorney General

MICHAEL BROWN Deputy Attorney General Attorneys for Complainant

STIPULATED SETTLEMENT (3185)

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1	EDMUND G. BROWN JR., Attorney General
2	of the State of California GLORIA A. BARRIOS
3	Supervising Deputy Attorney General CHRISTINA V. TUSAN, State Bar No. 192203
4	Deputy Attorney General 300 So. Spring Street, Suite 1702
5	Los Angeles, CA 90013 Telephone: (213) 897-5845
6	Facsimile: (213) 897-2804
7	Attorneys for Complainant
. 8	
	BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
. 11	In the Matter of the Accusation Against: Case No. 3185
12	ANNETTE JOCELYNE SANDERS aka ANNETTE JOCELYNE PATTERSON A C C U S A T I O N
13	3675 Mound Avenue
. 14	Ventura, CA 93003
15	Pharmacist License No. RPH 42732
. 16	Respondent.
17	Complainant alleges:
. 18	PARTIES
19	1. Virginia Herold (Complainant) brings this Accusation solely in her official
20	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21	2. On or about August 8, 1989, the Board of Pharmacy (Board) issued
. 22	Pharmacist License No. RPH 42732 to Annette Jocelyne Sanders, also known as Annette
. 23	Jocelyne Patterson (Respondent). The Pharmacist License was in full force and effect at all times
24	relevant to the charges brought herein and will expire on April 30, 2009, unless renewed.
25	JURISDICTION
26	3. This Accusation is brought before the Board, under the authority of the
27	following laws.
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STATUTORY PROVISIONS

4. Business and Professions Code Section 118, subdivision (b), provides that the suspension/expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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5. Business and Professions Code Section 4060 states:

"No person shall possess any controlled substance, except that furnished to a 7 8 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 9 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 10 11 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 12 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall 13 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, 14 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified 15 16 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly 17 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."

Business and Professions Code Section 4300, provides, in pertinent part,
 that every license issued by the Board is subject to discipline, including suspension or revocation.

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7. Business and Professions Code Section 4301 of the Code states:

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

(f) The commission of any act involving moral turpitude, dishonesty, fraud. 1 deceit, or corruption, whether the act is committed in the course of relations as a licensee or 2 otherwise, and whether the act is a felony or misdemeanor or not. 3 4 (h) The administering to oneself, of any controlled substance, or the use of any 5 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or 6 injurious to oneself, to a person holding a license under this chapter, or to any other person or to 7 . 8 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. 9 . 10 (i) The violation of any of the statutes of this state, or any other state, or of the 11 United States regulating controlled substances and dangerous drugs." 12 13 8. Health and Safety Code section 11170 states: "No person shall prescribe, administer, or furnish a controlled substance for 14 15 himself." Health and Safety Code section 11173, subdivision (a) states: . 16 9. "No person shall obtain or attempt to obtain controlled substances, or procure or 17 attempt to procure the administration of or prescription for controlled substances, (1) by fraud, 18 19 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact." 20 COST RECOVERY 21 10. Business and Professions Code Section 125.3 of the Code provides, in 22 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 23 24 reasonable costs of the investigation and enforcement of the case. 25 11. CONTROLLED SUBSTANCES 26 "Ativan" is brand name for Lorazepam. It is a Schedule IV controlled a. 27 substance as defined in Health and Safety Code section 11057, subdivision (d)(16) and is 28 categorized as a dangerous drug according to Business and Professionals Code section 4022.

1	b. "Ambien" is brand name for Zolpidem. It is a Schedule IV controlled
2	substance as defined in Health and Safety Code section 11057, subdivision (d)(32) and is
3	categorized as a dangerous drug according to Business and Professionals Code section 4022.
4	c. "Restoril" is brand name for Temazepam. It is a Schedule IV controlled
5	substance as defined in Health and Safety Code section 11057, subdivision (d)(29) and is
6	categorized as a dangerous drug according to Business and Professionals Code section 4022.
7	FIRST CAUSE FOR DISCIPLINE
8	(Dishonesty, Fraud, or Deceit)
9	12. Complainant refers to, and by this reference incorporates the allegations in
10	paragraphs 1through 11, as though set forth fully.
11	13. Respondent is subject to disciplinary action under section 4301,
12	subdivision (f) of the Code, for violating Health and Safety Code section 11173, subdivision (a),
13	in that from on or about April 5, 2005 through on or about April 6, 2006, while working as a
14	pharmacist at Ventura County Medical Center Pharmacy (VCMCP) in Ventura, California,
15	Respondent committed acts of dishonesty, fraud, or deceit, by stealing controlled substances
16	from VCMCP. On or about February 6, 2007, Respondent signed a written statement, under
17	penalty of perjury, under the laws of the State of California, admiting that she stole the following
·18	controlled substances:
19	Controlled Substances Dosage Amount
20	a. Lorazepam 1mg. #40
21	b. Lorazepam 2mg. #230
22	c. Zolpidem 5mg. #160
23	d. Zolpidem 10mg. #210
24	e. Temazepam 15mg. #10
25	SECOND CAUSE FOR DISCIPLINE
26	(The Violation of Any of the Statutes of this State Regulating Controlled Substances)
27	14. Complainant refers to, and by this reference incorporates the allegations in
28	paragraphs 1through 11 and 13, as though set forth fully.
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	1	15. Respondent's license is subject to disciplinary action under Business and
	2	Profession section 4301, subdivision (j), for violating section 4060, based on the following
	3	conduct: on or about April 5, 2005 through on or about April 6, 2006, while working as a
	4	pharmacist at VCMCP, Respondent violated the statutes of this State regulating controlled
	5	substances by possessing controlled substances without a valid prescription.
	6	THIRD CAUSE FOR DISCIPLINE
	7	Self Administration and/or Furnishing of a Controlled Substance
	8	16. Complainant refers to, and by this reference incorporates the allegations in
	9	paragraphs 1through 11, 13 and 15, as though set forth fully.
	10	17. Respondent's license is subject to disciplinary action under Business and
	11	Profession Code section 4301, subdivision (h), for violating Health and Safety Code section
	12	11170, for the following conduct: (a) On or about April 5, 2005 through on or about April 6,
	13	2006, while working as a pharmacist at VCMCP, Respondent administered and/or furnished
	14	controlled substances to herself. (b) On or about May 17, 2006, during a meeting with the
•	15	Pharmacist-in-Charge, a union representative, and a human resource manager, Respondent
•	16	admitted to taking the drugs for personal use.
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1	PRAYER	
. 2	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
3	alleged, and that following the hearing, the Board issue a decision:	
4	1. Revoking or suspending Pharmacist License No. RPH 42732, issued to	
. 5	Respondent.	
6	2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of	
7	the investigation and enforcement of this case, pursuant to Business and Professions Code	
8	section 125.3;	
9	3. Taking such other and further action as deemed necessary and proper.	
10	DATED: 3/19/09	
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12	ligning Ale de S Q	
13	VIRGINIA HEROLD	
14	Executive Officer Board of Pharmacy	
15	Department of Consumer Affairs	
16	Complainant S 3	
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