

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

Kenneth H. Schell

KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2095
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3185

11 **ANNETTE JOCELYNE PATTERSON**
12 **AKA ANNETTE JOCELYNE SANDERS**
13 **3675 Mound Avenue**
Ventura, CA 93003
14 **Pharmacist License No. RPH 42732**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

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

24 2. Respondent Annette Jocelyne Patterson aka Annette Jocelyne Sanders (Respondent)
25 is represented in this proceeding by attorney Robert Hahn, whose address is 5801 Christie
26 Avenue, Suite 385, Emeryville, CA 94608.

27 ///

28 ///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 42732 issued to Respondent Annette Jocelyne Patterson aka Annette Jocelyne Sanders (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if

1 the final probation report is not made as directed, probation shall be automatically extended until
2 such time as the final report is made and accepted by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

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

13 **5. Continuing Education**

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

16 **6. Notice to Employers**

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

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

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

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

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

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

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

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

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

24 **8. Reimbursement of Board Costs**

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

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

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

6 **9. Probation Monitoring Costs**

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

11 **10. Status of License**

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

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

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

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

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

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

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

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

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

14 **13. Tolling of Probation**

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

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

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

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

6 **14. Violation of Probation**

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

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

19 **15. Completion of Probation**

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

22 **16. Suspension**

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

25 **17. Pharmacists Recovery Program (PRP)**

26 Within thirty (30) days of the effective date of this decision, Respondent shall contact the
27 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
28 successfully participate in, and complete the treatment contract and any subsequent addendums as

1 recommended and provided by the PRP and as approved by the board or its designee. The costs
2 for PRP participation shall be borne by the Respondent.

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

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

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

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

16 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

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

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

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

8 **18. Random Drug Screening**

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

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

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

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

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

13 **20. Supervised Practice**

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

19 Continuous – At least 75% of a work week

20 Substantial - At least 50% of a work week

21 Partial - At least 25% of a work week

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

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

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

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

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

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

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

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 unless otherwise specified in this order.

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

28 ///


1 21. No Ownership of Licensed Premises

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

9 ACCEPTANCE

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

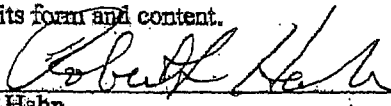
15
16 DATED: 2/20/2010



ANNETTE JOCELYNE PATTERSON AKA
ANNETTE JOCELYNE SANDERS
Respondent

17
18
19 I have read and fully discussed with Respondent Annette Jocelyne Patterson aka Annette
20 Jocelyne Sanders the terms and conditions and other matters contained in the above Stipulated
21 Settlement and Disciplinary Order. I approve its form and content.

22 DATED: 2-22-10



Robert Hahn
Attorney for Respondent

23
24 ///
25 ///
26 ///
27 ///
28 ///

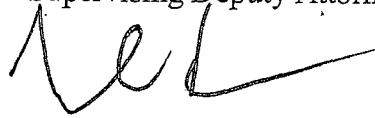
ENDORSEMENT

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

Dated: 2/22/2010

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

LA2008601124
60507588.doc

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

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 CHRISTINA V. TUSAN, State Bar No. 192203
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-5845
Facsimile: (213) 897-2804
6

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 ANNETTE JOCELYNE SANDERS
aka ANNETTE JOCELYNE PATTERSON
13 3675 Mound Avenue
Ventura, CA 93003
14 Pharmacist License No. RPH 42732
15
16 Respondent.

Case No. 3185

ACCUSATION

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.

28 ///

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

4

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

10

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

13 8. Health and Safety Code section 11170 states:

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

16 9. Health and Safety Code section 11173, subdivision (a) states:

17 “No person shall obtain or attempt to obtain controlled substances, or procure or
18 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
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 licensee found
23 to have committed a violation or violations of the licensing act to pay a sum not to exceed the
24 reasonable costs of the investigation and enforcement of the case.

25 11. **CONTROLLED SUBSTANCES**

26 a. “Ativan” is brand name for Lorazepam. It is a Schedule IV controlled
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
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

PRAYER

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

1. Revoking or suspending Pharmacist License No. RPH 42732, issued to Respondent.
2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/19/09

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

RECEIVED
 CALIFORNIA
 DEPARTMENT OF CONSUMER AFFAIRS
 1022 VINTAGE
 CALIFORNIA 901

APR 22 11 28 AM '09

RECEIVED