

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

In the Matter of the Accusation Against:

Case No. 3186

JOHN HAROLD ARNOLD

P.O. Box 1058

Mammoth Lakes, CA 93546

208 Mill Street

Mammoth Lakes, CA 93546

Original Pharmacist License No. RPH 29852

Respondent.

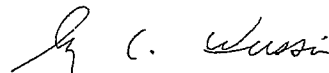
DECISION AND ORDER

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 April 12, 2012.

It is so ORDERED on March 13, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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14 **P.O. Box 1058**
15 **Mammoth Lakes, CA 93546**
16 **208 Mill Street**
17 **Mammoth Lakes, CA 93546**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 **Original Pharmacist License No. RPH 29852**

Respondent.

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

21 PARTIES

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

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1 CULPABILITY

2 8. Respondent neither admits nor denies the truth of each and every charge and
3 allegation in Accusation No. 3186. However, if this or any other disciplinary matter comes
4 before the Board of Pharmacy, the allegations in Accusation No. 31868 shall be deemed admitted.

5 9. Respondent agrees that his Original Pharmacist License is subject to discipline and he
6 agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the
7 Disciplinary Order below.

8 RESERVATION

9 10. The admissions made by Respondent herein are only for the purposes of this
10 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
11 licensing agency is involved, and shall not be admissible in any other criminal or civil
12 proceeding.

13 CONTINGENCY

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

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

26 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 29852 issued to
9 Respondent John Harold Arnold is revoked. However, the revocation is stayed and Respondent is
10 placed on probation for 30 months, and suspended from the practice of pharmacy for 10
11 consecutive days beginning the effective date of this decision, on the following terms and
12 conditions:

13 1. **Obey All Laws**

14 Respondent shall obey all state and federal laws and regulations.

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

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

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

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1 **2. Report to the Board**

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

10 **3. Interview with the Board**

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

16 **4. Cooperate with Board Staff**

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

20 **5. Continuing Education**

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

23 **6. Notice to Employers**

24 During the period of probation, respondent shall notify all present and prospective
25 employers of the decision in case number 3186 and the terms, conditions and restrictions imposed
26 on respondent by the decision, as follows:

27 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
28 respondent undertaking any new employment, respondent shall cause his direct supervisor,

1 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
2 tenure of employment) and owner to report to the board in writing acknowledging that the listed
3 individual(s) has/have read the decision in case number 3186, and terms and conditions imposed
4 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
5 submit timely acknowledgment(s) to the board.

6 If respondent works for or is employed by or through a pharmacy employment service,
7 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
8 licensed by the board of the terms and conditions of the decision in case number 3186 in advance
9 of the respondent commencing work at each licensed entity. A record of this notification must be
10 provided to the board upon request.

11 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
12 (15) days of respondent undertaking any new employment by or through a pharmacy employment
13 service, respondent shall cause his direct supervisor with the pharmacy employment service to
14 report to the board in writing acknowledging that he has read the decision in case number 3186
15 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
16 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

26 During the period of probation, respondent shall not supervise any intern pharmacist, be the
27 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
28

1 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
2 unauthorized supervision responsibilities shall be considered a violation of probation.

3 **8. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, respondent shall pay to the
5 board its costs of investigation and prosecution in the amount of \$5,247. Respondent shall make
6 said payments in quarterly payments or in a payment plan approved by the board. Full payment
7 shall be made within 24 months, or 6 months prior to the end of the probationary period, which
8 ever is greater. There shall be no deviation from this schedule absent prior written approval by
9 the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
10 violation of probation.

11 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
12 reimburse the board its costs of investigation and prosecution.

13 **9. Probation Monitoring Costs**

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

18 **10. Status of License**

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

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

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

27 Following the effective date of this decision, should respondent cease practice due to
28 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,

1 respondent may tender his license to the board for surrender. The board or its designee shall have
2 the discretion whether to grant the request for surrender or take any other action it deems
3 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
4 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
5 record of discipline and shall become a part of the respondent's license history with the board.

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

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

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

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

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

21 **13. Tolling of Probation**

22 Except during periods of suspension, respondent shall, at all times while on probation, be
23 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
24 Any month during which this minimum is not met shall toll the period of probation, i.e., the
25 period of probation shall be extended by one month for each month during which this minimum is
26 not met. During any such period of tolling of probation, respondent must nonetheless comply
27 with all terms and conditions of probation.
28

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

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

9 "Cessation of practice" means any calendar month during which respondent is
10 not practicing as a pharmacist for at least 40 hours, as defined by Business and
11 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
12 month during which respondent is practicing as a pharmacist for at least 40 hours as a
13 pharmacist as defined by Business and Professions Code section 4000 et seq.

14 **14. Violation of Probation**

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

20 If respondent violates probation in any respect, the board, after giving respondent notice
21 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
22 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
23 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
24 a petition to revoke probation or an accusation is filed against respondent during probation, the
25 board shall have continuing jurisdiction and the period of probation shall be automatically
26 extended until the petition to revoke probation or accusation is heard and decided.

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1 **15. Completion of Probation**

2 Upon written notice by the board or its designee indicating successful completion of
3 probation, respondent's license will be fully restored.

4 **16. Suspension**

5 As part of probation, respondent is suspended from the practice of pharmacy for ten (10)
6 consecutive days beginning the effective date of this decision.

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

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

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

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

23 **17. Community Services Program**

24 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
25 board or its designee, for prior approval, a community service program in which respondent shall
26 provide free health-care related services on a regular basis to a community or charitable facility or
27 agency for at least one hundred (100) hours within the first year of probation. Within thirty (30)
28 days of board approval thereof, respondent shall submit documentation to the board

1 demonstrating commencement of the community service program. A record of this notification
2 must be provided to the board upon request. Respondent shall report on progress with the
3 community service program in the quarterly reports. Failure to timely submit, commence, or
4 comply with the program shall be considered a violation of probation.

5 **18. Remedial Education**

6 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
7 board or its designee, for prior approval, an appropriate program of remedial education related to
8 pain management, appropriate dispensing practice for controlled substances, CURES reports, and
9 corresponding responsibility. The program of remedial education shall consist of at least fifteen
10 (15) hours, which shall be completed within twelve (12) months at respondent's own expense.
11 All remedial education shall be in addition to, and shall not be credited toward, continuing
12 education (CE) courses used for license renewal purposes.

13 Failure to timely submit or complete the approved remedial education shall be considered a
14 violation of probation. The period of probation will be automatically extended until such
15 remedial education is successfully completed and written proof, in a form acceptable to the board,
16 is provided to the board or its designee.

17 Following the completion of each course, the board or its designee may require the
18 respondent, at his own expense, to take an approved examination to test the respondent's
19 knowledge of the course. If the respondent does not achieve a passing score on the examination,
20 this failure shall be considered a violation of probation. Any such examination failure shall
21 require respondent to take another course approved by the board in the same subject area.

22 **19. No Ownership of Licensed Premises**

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

1 documentation thereof shall be considered a violation of probation.

2 **20. Tolling of Suspension**

3 During the period of suspension, respondent shall not leave California for any period
4 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
5 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
6 absence from California during the period of suspension exceeding ten (10) days shall toll the
7 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
8 respondent is absent from California. During any such period of tolling of suspension,
9 respondent must nonetheless comply with all terms and conditions of probation.

10 **21. Ethics Course**

11 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
12 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
13 Failure to initiate the course during the first year of probation, and complete it within the second
14 year of probation, is a violation of probation.

15 Respondent shall submit a certificate of completion to the board or its designee within five
16 days after completing the course.

17
18 ACCEPTANCE

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

24
25 DATED: 9/23/11


26 JOHN HAROLD ARNOLD
27 Respondent
28

1 I have read and fully discussed with Respondent John Harold Arnold the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: 09/23/11 Therese M. Hankel
5 Therese M. Hankel
6 Attorney for Respondent

7 ENDORSEMENT

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

10
11 Dated: 9/23/11

12 Respectfully Submitted,
13 EDMUND G. BROWN JR.
14 Attorney General of California
15 ARTHUR D. TAGGART
16 Supervising Deputy Attorney General
17 Jeffrey M. Phillips
18 JEFFREY M. PHILLIPS
19 Deputy Attorney General
20 Attorneys for Complainant

21 SA2008302954
22 Stipulation.rtf
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Exhibit A

Accusation No. 3186

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
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4 1300 I Street, Suite 125
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6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

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P.O. Box 1058
13 Mammoth Lakes, CA 93546

A C C U S A T I O N

14 208 Mill Street
Mammoth Lakes, CA 93546

15 Original Pharmacist License No. RPH 29852

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 15, 1975, the Board of Pharmacy issued Original
24 Pharmacist License Number RPH 29852 to John Harold Arnold (Respondent). The Original
25 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on September 30, 2009, unless renewed.

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JURISDICTION

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

4. Section 4301 of the Code states: "The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

"(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

"(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or administering or offering to sell, furnish, give away, or administer any controlled substance to an addict.

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

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee. . ."

5. Code section 4113(b) states that a "pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy."

6. Section 125.3 of the Code provides 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.

DRUGS

7. The following are dangerous drugs as defined by Code section 4022 in that they require a prescription under federal law:

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1 a. "Hydrocodone" is a Schedule III controlled substance as
2 designated by Health and Safety Code section 11056(e)(4). Norco is a brand name
3 pharmaceutical that contains hydrocodone, and is an opioid analgesic medication used for pain
4 relief.

5 b. "Oxycodone" is a Schedule II controlled substance as designated
6 by Health and Safety Code section 11055(b)(1)(N) and a dangerous drug pursuant to Code
7 section 4022, and is an opioid analgesic medication used for pain relief.

8 c. "Alprazolam," also known under the brand name Xanax, is a
9 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1),
10 and is a drug of the benzodiazepine class used to treat anxiety and panic attacks.

11 STATEMENT OF FACTS

12 8. At all times indicated, Respondent was the Pharmacist-in-charge of the
13 Mammoth Lakes, CA Rite Aid Pharmacy (Store # 05842). Respondent was a friend of patient
14 RB and had obtained his home mortgage through RB, who was a mortgage broker. Respondent
15 furnished thousands of prescribed controlled substances to RB, although Respondent was aware
16 that RB was addicted to these controlled substances, RB's insurance refused to pay for the
17 controlled substances and paid cash, Respondent knew that the medications being prescribed to
18 RB were excessive, yet, Respondent would continue to fill prescriptions, would increase the
19 amount prescribed to RB, and would fill other prescriptions by another doctor for these
20 controlled substances for RB. On or about September 29, 2005, another pharmacist working in
21 the local area (Vons) informed Respondent that RB was being over prescribed pain medication.

22 9. In September of 2005, Respondent furnished 430 Norco or its generic
23 form hydrocodone/APAP to patient RB, which according to the Rite Aid Customer History
24 Report was a 94 day supply of hydrocodone. During this time another pharmacist furnished an
25 additional 23 day supply of 90 Norco tablets to patient RB for a total of 520 hydrocodone tablets,
26 which is a 117 day supply. On September 14, 2005, Respondent furnished a 10 day supply of
27 Alprazolam (30 tablets/ 2 mg) to patient RB, two days after another pharmacist furnished a 30
28 day supply of Alprazolam (60 tablets/ 2 mg) to RB.

1 10. In October of 2005, Respondent furnished 280 Norco tablets to patient
2 RB, which according to the Rite Aid Customer History Report was a 63 day supply of
3 hydrocodone.

4 11. In November of 2005, Respondent furnished 270 Norco tablets to patient
5 RB, and another pharmacist at the same pharmacy furnished an additional 100 Norco tablets to
6 patient RB, for a total of 370 Norco tablets that equals a 46 day supply according to the Rite Aid
7 Customer History Report. Two other pharmacies (Via Lido Drugs and Sav On) also furnished
8 an additional 180 Norco tablets to patient RB, for a total of 550 Norco tablets to this patient. In
9 addition, Respondent furnished a 20 day supply of 60 tablets of Oxycodone to patient RB, 17
10 days after RB had earlier received a 20 day supply of Oxycodone from the same pharmacy where
11 Respondent worked. During this period, Respondent also furnished a 60 day supply of
12 Alprazolam (60 tablets/ 2 mg) to RB and another pharmacist at the same pharmacy furnished an
13 additional 30 tablets of Alprazolam to RB, for a total of 90 tablets that equals a 90 day supply.

14 12. In December 2005, Respondent furnished 100 Norco tablets to patient RB,
15 and another pharmacist at the same pharmacy furnished 190 Norco tablets to patient RB, for a
16 total of 290 Norco tablets that equals a 71 day supply according to the Rite Aid Customer
17 History Report. Two other pharmacies (Via Lido Drugs and Sav On) also furnished an
18 additional 190 Norco tablets or its generic form hydrocodone/APAP to patient RB, for a total of
19 480 hydrocodone tablets to RB in December 2005.

20 13. In January 2006, Respondent furnished 500 Norco tablets to patient RB,
21 400 of which were over a 10 day period, and another pharmacist at the same pharmacy furnished
22 100 Norco tablets to patient RB, for a total of 600 Norco tablets that equals a 140 day supply
23 according to the Rite Aid Customer History Report. Respondent also furnished a 45 day supply
24 of 90 tablets of Alprazolam to RB over a 17 day period in January 2006.

25 14. On February 6, 2006, Respondent furnished a 15 day supply of 30 tablets
26 of Alprazolam to RB, which was just seven (7) days after Respondent had furnished a 15 day
27 supply of 30 tablets of Alprazolam to RB.

28 //

1 15. In March 2006, Respondent furnished a 60 day supply of 120 tablets of
2 Alprazolam to RB.

3 16. In May 2006, Respondent and other pharmacists at the Mammoth Lakes
4 Rite Aid furnished 170 tablets of Norco or its generic form hydrocodone/APAP and 150 tablets
5 of Alprazolam to RB.

6 17. In June 2006, Respondent and other pharmacists at the Mammoth Lakes
7 Rite Aid furnished 150 tablets of Norco and 120 tablets of Alprazolam to RB.

8 18. In July 2006, Respondent and other pharmacists at the Mammoth Lakes
9 Rite Aid furnished 260 tablets of Norco, which represents a 45 day supply according to the Rite
10 Aid Customer History Report, and 150 tablets of Alprazolam to RB.

11 19. In August 2006, Respondent and other pharmacists at the Mammoth Lakes
12 Rite Aid furnished approximately 355 tablets of Norco, which represents a 67 day supply
13 according to the Rite Aid Customer History Report, and approximately 150 tablets of
14 Alprazolam, which represents a 70 day supply to patient RB.

15 20. In September 2006, Respondent and other pharmacists at the Mammoth
16 Lakes Rite Aid furnished 400 tablets of Norco, which represents a 59 day supply according to
17 the Rite Aid Customer History Report, and 180 tablets of Alprazolam, 120 of which were
18 furnished 4 days apart, which represents a total 60 day supply to patient RB according to the Rite
19 Aid Customer History Report. In addition, another pharmacy (Vons) furnished 10 Norco and 15
20 Oxycotin tablets to patient RB in September 2006..

21 21. In October 2006, Respondent furnished 400 tablets of Norco, 300 of
22 which were furnished 11 days apart, and a 60 day supply of 180 tablets of Alprazolam to patient
23 RB.

24 22. In November 2006, Respondent and other pharmacists at the Mammoth
25 Lakes Rite Aid furnished 465 tablets of Norco, which represents a 52 day supply according to
26 the Rite Aid Customer History Report, and 90 tablets of Alprazolam, which represents a 35 day
27 supply to patient RB according to the Rite Aid Customer History Report. In addition, another
28 pharmacy (Vons) furnished 5 Norco tablets to patient RB.

1 FIRST CAUSE FOR DISCIPLINE

2 (Criminal Conviction)

3 23. Respondent is subject to disciplinary action under Code section 4301,
4 subdivisions (j) and (l), in that Respondent has been convicted of the following crime that is
5 substantially related to the qualifications, functions, and duties of a pharmacist, as follows:

6 a. On or about November 7, 2007, in the Superior Court of
7 California, County of Mono, in the matter entitled *People vs. John Arnold* (Super. Ct., Mono
8 Cty., 2007, Case No. MFE072123), Respondent was convicted by the court following his guilty
9 plea to a violation of Health and Safety Code section 11153 (illegally dispensing controlled
10 substances), a felony. The circumstances of the crime are that between September 2005 and
11 January 2007, Respondent unlawfully and knowingly dispensed a controlled substance,
12 Norco/Oxycontin/hydrocodone, for which there was no legitimate medical purpose at the time
13 dispensed and dispensed those controlled substances to an addict or habitual user in violation of
14 Health and Safety Code section 11153.

15 SECOND CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct - Clearly Excessive Furnishing of Controlled Substances)

17 24. Respondent is subject to disciplinary action under Code section 4301,
18 subdivision (d), in that he clearly furnished excessive controlled substances in violation of
19 Health and Safety Code section 11153, as follows: Between September 2005 and January 2007,
20 Respondent unlawfully and knowingly dispensed controlled substances (Alprazolam, Norco and
21 Hydrocodone/APAP) to patient RB, for which there was no legitimate medical purpose at the
22 time dispensed and dispensed those controlled substances to an addict or habitual user in
23 violation of Health and Safety Code section 11153, as alleged in paragraphs numbers 8 through
24 23. Respondent failed to review the data contained in the California prescription-monitoring
25 program: the Controlled Substance Utilization Review and Evaluation System ("CURES") in
26 order to prevent the inappropriate, improper, or illegal use of Schedule II to IV controlled
27 substances by patient RB.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Furnishing Controlled Substances to an Addict)

3 25. Respondent is subject to disciplinary action under Code section 4301,
4 subdivision (i), in that he clearly dispensed excessive furnishings of controlled substances in
5 violation of Health and Safety Code section 11153, as follows: Between September 2005 and
6 January 2007, Respondent unlawfully and knowingly dispensed controlled substances
7 (Alprazolam, Norco and Hydrocodone/APAP) to patient RB, for which there was no legitimate
8 medical purpose at the time dispensed and dispensed those controlled substances to an addict or
9 habitual user in violation of Health and Safety Code section 11153, as alleged in paragraphs
10 numbers 8 through 23. Respondent failed to review the data contained in the California
11 prescription-monitoring program: the Controlled Substance Utilization Review and Evaluation
12 System ("CURES") in order to prevent the inappropriate, improper, or illegal use of Schedule II
13 to IV controlled substances by patient RB.

14 DISCIPLINE CONSIDERATIONS

15 26. To determine the degree of discipline, if any, to be imposed on
16 Respondent, Complainant alleges that on or about April 12, 2008, in a prior action, the Board of
17 Pharmacy issued Citation Number CI 2007 35264 and ordered Respondent to pay a fine in the
18 amount of \$1,500.00. That Citation is now final and is incorporated by reference as if fully set
19 forth and attached hereto as Exhibit A. Respondent has not paid the fine that was due on April
20 12, 2008, a violation of Title 16, California Code of Regulations section 1775.1(d).

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1 PRAYER

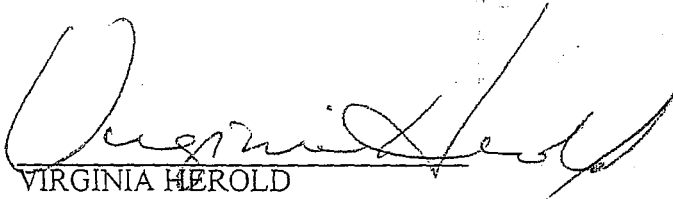
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

4 A. Revoking or suspending Original Pharmacist License Number RPH
5 29852, issued to John Harold Arnold John Harold Arnold.

6 B. Ordering John Harold Arnold to pay the Board of Pharmacy the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 C. Taking such other and further action as deemed necessary and proper.

10 DATED: 6/15/09

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12 

13 VIRGINIA HEROLD
14 Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 Complainant

19 SA2008302954

20 Revised Accusation.wpd

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