

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

In the Matter of the Accusation Against:

Case No. 3225

**SHAUNA MARIE WEAVER**

P.O. Box 1212

Pebble Beach, CA 93953

Pharmacist License No. RPH 49557

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 21, 2010.

It is so ORDERED on March 22, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

*Kenneth H. Schell*

KENNETH H. SCHELL

Board President

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

10 In the Matter of the Accusation Against:

Case No. 3225

11 **SHAUNA MARIE WEAVER**  
12 **P.O. Box 1212**  
13 **Pebble Beach, CA 93953**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 **Pharmacist License No. RPH 49557**

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 PARTIES

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

24 2. Shauna Marie Weaver (Respondent) is representing herself in this proceeding and has  
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about August 20, 1997, the Board of Pharmacy issued Pharmacist License No.  
27 RPH 49557 to Respondent. The License was in full force and effect at all times relevant to the  
28 charges in Accusation No. 3225 and will expire on July 31, 2011, unless renewed.

1 JURISDICTION

2 4. Accusation No. 3225 was filed before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
4 statutorily required documents were properly served on Respondent on or about April 15, 2009.  
5 Respondent failed to timely file a Notice of Defense contesting the Accusation, and on or about  
6 September 15, 2009, the Board issued a Default Decision and Order revoking the License, with  
7 an effective date of October 15, 2009. On or about September 21, 2009, Respondent filed a  
8 timely motion to set aside the default pursuant to Government Code section 11520, subdivision  
9 (c), and on or about October 14, 2009 a quorum of the Board granted Respondent's motion,  
10 vacated the Default Decision and Order, and remanded the case for further proceedings. On or  
11 about October 16, 2009, Respondent timely filed a Notice of Defense contesting the Accusation.  
12 A copy of Accusation No. 3225 is attached as exhibit A and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read and understands the charges and allegations in  
15 Accusation No. 3225. Respondent has also carefully read and understands the effects of this  
16 Stipulated Settlement and Disciplinary Order.

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

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

26 CULPABILITY

27 8. Respondent admits the truth of each and every charge and allegation in Accusation  
28 No. 3225.

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

3 RESERVATION

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

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
10 communicate directly with the Board regarding this stipulation and settlement, without notice to  
11 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
12 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
13 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
14 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
15 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
16 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.

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 49557, issued to Shauna  
3 Marie Weaver (Respondent), is revoked. However, the revocation is stayed and Respondent is  
4 placed on probation for five (5) years on the following terms and conditions.

5 **1. Suspension**

6 As part of probation, respondent is suspended from the practice of pharmacy for forty-five  
7 (45) days beginning the effective date of this decision. Upon provision of documentation by  
8 Respondent showing to the satisfaction of the board or its designee that at any time since January  
9 1, 2008, Respondent has not worked as a pharmacist because she was (a) resident in an in-patient  
10 treatment program for alcohol and/or drug abuse, or (b) suspended or otherwise prohibited from  
11 working as a pharmacist at the direction of the Pharmacists Recovery Program, Respondent may  
12 receive credit against this suspension period for such documented period(s) of non-work.

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

21 During suspension, Respondent shall not engage in any activity requiring the professional  
22 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of  
23 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for  
24 any entity licensed by the board.

25 **2. Tolling of Suspension**

26 During the period of suspension, respondent shall not leave California for any period  
27 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
28 of ten (10) days during suspension shall be considered a violation of probation.

1 Moreover, any absence from California during the period of suspension exceeding ten (10)  
2 days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over  
3 ten (10) days respondent is absent from California. During any such period of tolling of  
4 suspension, respondent must nonetheless comply with all terms and conditions of probation.

5 Respondent must notify the board in writing within ten (10) days of departure, and must  
6 further notify the board in writing within ten (10) days of return. The failure to provide such  
7 notification(s) shall constitute a violation of probation. Upon such departure and return,  
8 respondent shall not resume the practice of pharmacy until notified by the board that the period of  
9 suspension has been satisfactorily completed.

10 **3. Obey All Laws**

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

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

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

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

25 **4. Status of License**

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

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

5 **5. Tolling of Probation**

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

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

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

20 "Cessation of practice" means any calendar month during which respondent is  
21 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and  
22 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
23 month during which respondent is practicing for at least forty (40) hours as a  
24 pharmacist as defined by Business and Professions Code section 4000 et seq.

25 **6. Report to the Board**

26 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
27 designee. The report shall be made either in person or in writing, as directed. Among other  
28 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

1 in submission of reports as directed may be added to the total period of probation. Moreover, if  
2 the final probation report is not made as directed, probation shall be automatically extended until  
3 such time as the final report is made and accepted by the board.

4 **7. Interview with the Board**

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

10 **8. Cooperate with Board Staff**

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

14 **9. Continuing Education**

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

17 **10. Notification of Change in Name, Residence / Mailing Address, or Employment**

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

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

25 **11. Supervised Practice**

26 During the period of probation, respondent shall practice only under the supervision of a  
27 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
28 decision, respondent shall not practice pharmacy and her license shall be automatically suspended



1 until a supervisor is approved by the board or its designee. The supervision shall be, as required  
2 by the board or its designee, either:

3 Continuous – At least 75% of a work week

4 Substantial - At least 50% of a work week

5 Partial - At least 25% of a work week

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

7 Within thirty (30) days of the effective date of this decision, respondent shall have her  
8 supervisor submit notification to the board in writing stating that the supervisor has read the  
9 decision in case number 3225 and is familiar with the required level of supervision as determined  
10 by the board or its designee. It shall be the respondent's responsibility to ensure that her  
11 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
12 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
13 acknowledgements to the board shall be considered a violation of probation.

14 If respondent changes employment, it shall be the respondent's responsibility to ensure that  
15 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
16 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment  
17 commences, submit notification to the board in writing stating the direct supervisor and  
18 pharmacist-in-charge have read the decision in case number 3225 and is/are familiar with the  
19 level of supervision as determined by the board. Respondent shall not practice pharmacy and her  
20 license shall be automatically suspended until the board or its designee approves a new  
21 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
22 acknowledgements to the board shall be considered a violation of probation.

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

24 During suspension, respondent shall not enter any pharmacy area or any portion of the  
25 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
26 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
27 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
28 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient

1 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
2 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
3 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

9 **12. Notice to Employers**

10 During the period of probation, respondent shall notify all present and prospective  
11 employers of the decision in case number 3225 and the terms, conditions and restrictions imposed  
12 on respondent by the decision, as follows:

13 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
14 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
15 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
16 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
17 individual(s) has/have read the decision in case number 3225, and terms and conditions imposed  
18 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)  
19 submit timely acknowledgment(s) to the board.

20 If respondent works for or is employed by or through a pharmacy employment service,  
21 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
22 licensed by the board of the terms and conditions of the decision in case number 3225 in advance  
23 of the respondent commencing work at each licensed entity. A record of this notification must be  
24 provided to the board upon request.

25 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
26 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
27 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
28 report to the board in writing acknowledging that he has read the decision in case number 3225

1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
2 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause such employer(s) to  
4 submit timely acknowledgment(s) to the board shall be considered a violation of probation.

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

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

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

15 **14. No Ownership of Licensed Premises**

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

23 **15. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, respondent shall pay to the  
25 board its costs of investigation and prosecution in the amount of \$3,914.00, payable in full within  
26 the first two (2) years of probation in equal quarterly installments of \$489.25. There shall be no  
27 deviation from this schedule absent prior written approval by the board or its designee. Failure to  
28 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.

1           **16. Probation Monitoring Costs**

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

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

7           Within thirty (30) days of the effective date of this decision, respondent shall contact the  
8 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,  
9 successfully participate in, and complete the treatment contract and any subsequent addendums as  
10 recommended and provided by the PRP and as approved by the board or its designee. The costs  
11 for PRP participation shall be borne by the respondent.

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

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

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

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

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

25           During suspension, respondent shall not enter any pharmacy area or any portion of the  
26 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
27 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
28 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act

1 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
2 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
3 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
4 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

#### 13 **18. Random Drug Screening**

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

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

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

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

14 **19. Abstain from Drug and Alcohol Possession or Use**

15 Respondent shall completely abstain from the possession or use of alcohol, controlled  
16 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
17 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
18 request of the board or its designee, respondent shall provide documentation from the licensed  
19 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
20 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
21 violation of probation. Respondent shall ensure that she is not in the same physical location as  
22 individuals who are using illicit substances even if respondent is not personally ingesting the  
23 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
24 not supported by the documentation timely provided, and/or any physical proximity to persons  
25 using illicit substances, shall be considered a violation of probation.

26 **20. 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 her 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 surrender, respondent shall relinquish her pocket and wall license to the  
7 board within ten (10) days of notification by the board that the surrender is accepted. Respondent  
8 may not reapply for any license from the board for three (3) years from the effective date of the  
9 surrender. Respondent shall meet all requirements applicable to the license sought as of the date  
10 the application for that license is submitted to the board, including any outstanding costs.

11 **21. Violation of Probation**

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

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

24 **22. Completion of Probation**

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

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. 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.

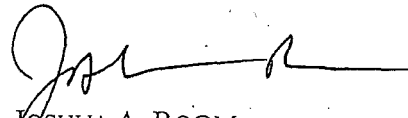
DATED: November 2009   
SHAUNA MARIE WEAVER  
Respondent

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: 12/1/09

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

  
JOSHUA A. ROOM  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3225**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM, State Bar No. 214663  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-1299  
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6 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. 3225

11 SHAUNA MARIE WEAVER  
12 P.O. Box 1212  
Pebble Beach, CA 93953

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

13 Pharmacist License No. RPH 49557

14 Respondent.

15  
16  
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 20, 1997, the Board of Pharmacy issued Pharmacist  
22 License No. RPH 49557 to Shauna Marie Weaver (Respondent). The Pharmacist License was in  
23 full force and effect at all times relevant to the charges brought herein and will expire on July 31,  
24 2009, unless renewed.

25 JURISDICTION

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



1           8.       Section 4327 of the Code, in pertinent part, makes it unlawful, while on  
2 duty, to sell, dispense or compound any drug while under the influence of any dangerous drug.

3           9.       Health and Safety Code section 11170 provides that no person shall  
4 prescribe, administer, or furnish a controlled substance for himself or herself.

5           10.      Section 125.3 of the Code provides, in pertinent part, that the Board may  
6 request the administrative law judge to direct a licentiate found to have committed a violation of  
7 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

8                                   CONTROLLED SUBSTANCES / DANGEROUS DRUGS

9           11.      Section 4021 of the Code states:

10                                   “‘Controlled substance’ means any substance listed in Chapter 2 (commencing  
11 with Section 11053) of Division 10 of the Health and Safety Code.”

12           12.      Section 4022 of the Code states, in pertinent part:

13                                   “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for  
14 self-use, except veterinary drugs that are labeled as such, and includes the following:

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

17                                   ...

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

20           13.      **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand  
21 names for compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a  
22 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4)  
23 and dangerous drug as designated by Business and Professions Code section 4022. The varying  
24 compounds are also known generically as **Hydrocodone with APAP**. These are narcotic drugs.

25                                   FACTUAL BACKGROUND

26           14.      From in or around July 2002 through at least September 2007, Respondent  
27 was employed as a pharmacist at a Vons Pharmacy (PHY 43052) in Fresno, CA. In or around  
28 January 2006, she became Pharmacist in Charge of that Vons Pharmacy.



