

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

In the Matter of the Accusation Against:

Case No. 3296

**DONNA J. WOODS-MUNOZ a.k.a
DONNA J. WOODS a.k.a DONNA WOODS**
2511 Winter Street
Kingsburg, California 93631

Pharmacist License No. RPH 50357

Respondent.

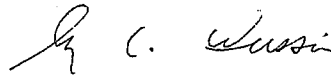
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 November 18, 2010.

It is so ORDERED October 19, 2010.

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
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

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12 **DONNA J. WOODS-MUNOZ a.k.a**
13 **DONNA J. WOODS a.k.a. DONNA**
WOODS
14 **2511 Winter Street**
Kingsburg, California 93631

OAH No. 2009090140

STIPULATED SURRENDER OF
LICENSE AND ORDER

15
16 **Original Pharmacist License No. RPH 50357**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Virginia K. 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 Sterling A. Smith, Deputy Attorney
25 General.

26 2. Donna J. Woods-Munoz a.k.a. Donna J. Woods a.k.a Donna Woods (Respondent) is
27 representing herself in this proceeding and has chosen not to exercise her right to be represented
28 by counsel.

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

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

6 **ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH 50357, issued to Respondent
8 Donna J. Woods-Munoz a.k.a Donna J. Woods a.k.a. Donna Woods, is surrendered and accepted
9 by the Board of Pharmacy.

10 15. The surrender of Respondent's Pharmacist License and the acceptance of the
11 surrendered license by the Board, shall constitute the imposition of discipline against Respondent.
12 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
13 license history with the Board.

14 16. Respondent shall lose all rights and privileges as a pharmacist in California as of the
15 effective date of the Board's Decision and Order.

16 17. Respondent shall cause to be delivered to the Board both her wall license certificate
17 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

18 18. Respondent may not apply for issuance of a new pharmacist license or petition for
19 reinstatement of her license for a period of three (3) years from and after the effective date of the
20 Decision and Order. If she ever applies for licensure or petitions for reinstatement in the State of
21 California, the Board shall treat it as a new application for licensure. Respondent must comply
22 with all the laws, regulations and procedures for licensure in effect at the time the application or
23 petition is filed, and all of the charges and allegations contained in Second Amended Accusation
24 No. 3296 shall be deemed to be true, correct and admitted by Respondent when the Board
25 determines whether to grant or deny the application or petition.

26 19. Should Respondent ever apply or reapply for a new license or certification, or petition
27 for reinstatement of a license, by any other health care licensing agency in the State of California,
28 all of the charges and allegations contained in Third Amended Accusation, No. 3296 shall be


1 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
2 Issues or any other proceeding seeking to deny or restrict licensure.

3 20. Respondent shall pay the Board its costs of investigation and enforcement in the
4 amount of \$23,139.00 prior to issuance of a new or reinstated license.

5 ACCEPTANCE

6 I have carefully read the Stipulated Surrender of License and Order. I understand the
7 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
8 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
9 by the Decision and Order of the Board of Pharmacy.

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11 DATED: 7/12/2010

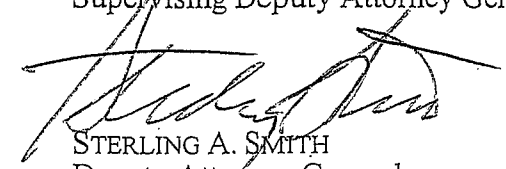

DONNA J. WOODS-MUNOZ, Respondent

12
13 ENDORSEMENT

14 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
15 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

16
17 Dated: 7/13/2010

EDMUND G. BROWN JR.
Attorney General of California
ARTHUR TAGGART
Supervising Deputy Attorney General


STERLING A. SMITH
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Third Amended Accusation No. 3296

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 ARTHUR TAGGART,
Supervising Deputy Attorney General
3 STERLING A. SMITH, State Bar No. 84287
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DONNA J. WOODS AKA DONNA WOODS
13 2511 Winter Street
Kingsburg, CA 93631

Office of Administrative Hearings, Case
No. 2009090140

14 Pharmacy License RPh 50357

THIRD AMENDED ACCUSATION

15 Respondent.

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17 Complainant alleges:

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

22 **LICENSE HISTORY**

23 2. On September 8, 1998, the Board issued Pharmacist License RPH No.
24 50357 to Respondent Donna J. Woods-Munoz, also known as Donna J. Woods, also known as
25 Donna Woods to practice pharmacy in California. Respondent's pharmacy license was in full
26 force and effect at all times relevant to the charges brought herein, and will expire on October 31,
27 2011, unless renewed.

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1 period in which it may be renewed, restored, reissued, or reinstated, deprive
2 the board of its authority to institute or continue a disciplinary proceeding
3 against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against
the licensee on any such ground.”

4 6. Business and Professions Code section 125.3 states, in pertinent part, that
5 the Board may request the Administrative Law Judge to direct a licensee found to have
6 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
7 costs of the investigation and enforcement of the case.

8 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS AT ISSUE**

9 7. “Temazepam” is a dangerous drug, and a Schedule IV controlled substance
10 as designated by Health & Safety Code section 11057.

11 8. “Oxazepam”, is a dangerous drug, and a Schedule IV controlled substance
12 as designated by Health & Safety Code section 11057(d)(23).

13 9. “Valium”, a brand name for Diazepam, is a dangerous drug, and a Schedule
14 IV controlled substance as designated by Health & Safety Code section 11057 (d)(9).

15 10. “Nordiazepam” is a dangerous drug, and a Schedule IV controlled
16 substance as designated by Health & Safety Code section 11057 (d)(23)

17 11. “Marijuana” is a Schedule I controlled substance as designated by Health &
18 Safety Code section 11054(d)(13).

19 12. “Carisoprodol”, also known as Soma, is a dangerous drug as designated by
20 Business & Professions Code section 4022(c), with the active ingredient Meprobamate, a
21 Schedule IV controlled substance under Health & Safety Code section 11057(d)(18).

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Criminal Conviction)

24 13. Respondent is subject to discipline for unprofessional conduct under
25 Business and Professions Code sections 4301(l) and 4301(p), in that on or about April 28, 2009,
26 in *People v. Donna Woods*, Fresno County Superior Court Case No. M07500237, Respondent
27 pleaded no contest to violation of Vehicle Code section 23152(a), driving under the influence of
28 an alcohol beverage, a drug or their combined influence, a misdemeanor. The circumstances of the

1 crime are that on or about December 21, 2006, while under the influence of controlled substances,
2 Respondent caused her automobile to collide into a light pole, causing major damage to her
3 automobile and physical injury to herself. Blood tests showed that at the time of the accident,
4 Respondent had significant levels of Oxazepam, Valium, Nordiazepam, Temazepam, and
5 Marijuana in her system.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct-Use of Dangerous Drugs/Controlled Substances)

8 14. Respondent is subject to discipline for unprofessional conduct under
9 Business and Professions Code sections 4301(h) and 4301(p), in that she used controlled
10 substances and dangerous drugs to an extent or in a manner as to be dangerous or injurious to
11 herself or to the public, or to the extent that the use impairs her ability to conduct with safety to
12 the public the practice of pharmacy, including:

13 (a) On or about December 12, 2006, while under the influence of controlled
14 substances, Respondent caused her automobile to collide into a light pole, causing major damage
15 to her automobile and physical injury to herself. Blood tests showed that at the time of the
16 accident, Respondent had significant levels of Oxazepam, Valium, Nordiazepam, Temazepam,
17 and Marijuana in her system.

18 (b) Between on or about March 17, 2007, and on or about September 24, 2008,
19 Respondent obtained excessive quantities of Carisoprodol 350 mg tablets (also known as Soma)
20 and Valium 10 mg tablets from physicians and other sources, including over the Internet, and self-
21 administered them in combination and in quantities greater than as prescribed, including the
22 following prescriptions:

- 23 (i) 3/17/07: 180 tablets of Soma per Dr. Flynn @ maximum of 6/day;
24 (ii) 7/11/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;
25 (iii) 8/4/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;
26 (iv) 8/21/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;
27 (v) 8/21/07: 60 tablets of Soma per Dr. Louie @ 2 tablets nightly;
28 (vi) 8/31/07: 60 tablets of Soma per Dr. Louie @2 tablets nightly;

- 1 (vii) 9/24/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;
- 2 (viii) 10/5/07: 60 tablets of Soma per Dr. Louie @ 2 tablets nightly per day;
- 3 (ix) 11/6/07: 90 tablets of Soma per Dr. Porter;
- 4 (x) 6/17/08: 90 tablets of Soma per Dr. Sisson @ 2/day;
- 5 (xi) 7/17/08: 180 tablets of Soma per Dr. Harper @ maximum of 3/day; and
- 6 (xii) 9/22/08: 90 tablets of Soma per Dr. Sisson @ maximum of 4/day.

7 (c) On approximately twenty (20) occasions at various times in or about 2005,
8 2006, 2007, 2008 and 2009, Respondent called for an ambulance to her residence. On such
9 occasions, Kingsburg Police Department patrol officers contacted Respondent regarding her
10 ambulance requests. On each of those occasions, and on other occasions when Kingsburg patrol
11 personnel were in contact with Respondent during said time period for other reasons, Respondent
12 was observed by patrol personnel to be heavily medicated, spoke with thick, slurred speech and
13 was unable to carry on a conversation without loss of her train of thought.

14 (d) On or about August 31, 2008, Kingsburg Police Department patrol personnel
15 took Respondent into custody under Welfare & Institutions Code section 5150 due to
16 Respondent's suicide attempt. At that time, Respondent was observed to be heavily medicated,
17 spoke with thick, slurred speech and was unable to carry on a conversation without loss of her
18 train of thought.

19 (e) On or about September 24, 2008, Respondent was arrested for driving under the
20 influence of drugs by the California Highway Patrol. At that time, tests of her blood showed that
21 she had significant levels of Carisoprodol, Valium, Nordiazepam and Temazeoam in her system.
22 In addition, partially-filled prescription bottles of Valium and Carisoprodol were found under the
23 front seat of her car under circumstances indicating that she was administering these medications
24 to herself in amounts far exceeding the amounts prescribed.

25 (f) On or about May 3, 2009, while working at the Rite-Aid Pharmacy in Dinuba,
26 California where Respondent is employed as a pharmacist, Respondent was observed to be
27 stumbling and/or swaying as she walked, speaking in a slurred manner, mumbling and unable to

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1 communicate in an intelligent fashion. Paramedics were called to the pharmacy to care for
2 Respondent.

3 (g) On or about May 9, 2009, Kingsburg patrol personnel contacted Respondent at
4 her residence in connection with alleged injuries to Respondent's wrist and face. At that time,
5 Respondent was observed to be heavily medicated, spoke with thick, slurred speech and was
6 unable to carry on a conversation without loss of her train of thought.

7 (h) On or about July 6, 2009, while working at the Rite-Aid Pharmacy in Dinuba,
8 California where Respondent is employed as a pharmacist, Respondent was observed to be
9 stumbling and/or swaying as she walked, speaking in a slurred manner, mumbling and unable to
10 communicate in an intelligible fashion.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct)

13 15. Respondent is subject to discipline for unprofessional conduct under
14 Business and Professions Code 4301 for unprofessional conduct in that on or about July 28,
15 2007, while on duty as a pharmacist at Walgreen's Drug store in Kingsburg California, the
16 following events occurred:

17 (a) Respondent informed the store manager John Zwanck that a prescription
18 was received for an over-the-counter vitamin, and asked Mr. Zwanck to provide and sell to the
19 waiting customer. As the customer was paying for the vitamin, the customer questioned Mr.
20 Zwanck about whether it was the correct vitamin.

21 (b) Mr. Zwanck requested that Respondent confirm that the vitamin he was
22 selling to the customer was the correct medication. Respondent replied that she was mistaken, a
23 different vitamin was prescribed, and asked Mr. Zwanck to provide and sell the correct vitamin to
24 the customer.

25 (c) Mr. Zwanck obtained the vitamin identified by Respondent, and asked
26 Respondent if she was sure that it was the right vitamin, to which Respondent replied "yes". Mr.
27 Zwanck then asked Respondent if she was absolutely sure that he had the correct vitamin, to
28 which Respondent replied "Yes, I'm sure". Mr. Zwank then exchanged the vitamin he had already

1 sold to the customer for the vitamin that Respondent identified as the correct vitamin.

2 (d) Two minutes after the customer left Walgreens Drug store, a Walgreen's
3 pharmacy technician notified Mr. Zwanck that Respondent made a mistake and the vitamin sold
4 to the customer was not the vitamin prescribed for the customer. Mr. Zwanck ran out of the store
5 and waved the customer down in the street. The customer returned and second exchange of
6 vitamins was made. As Mr. Zwanck was completing the second exchange of vitamins with the
7 customer, Respondent informed Mr. Zwanck that when he finished with the customer, she wished
8 to talk with him.

9 (e) After the customer left the Walgreens Drug store, Respondent informed Mr.
10 Zwanck that she wished to talk with him in the training room. There, Respondent told Mr.
11 Zwanck in a menacing fashion that "sometimes I want to grab you around the neck, throw you up
12 against the wall and kick you in the balls, although I don't think you have any".

13 OTHER MATTERS

14 16. On or about November 4, 2008, a Misdemeanor Complaint was filed
15 in *People v. Donna Jane Woods aka Donna Woods*, Fresno County Superior Court Case No. M
16 08927416, alleging that on September 24, 2008, Respondent violated Vehicle Code section
17 23152(a), driving under the influence of alcohol or drugs. The circumstances were that
18 at that time, tests of Respondent's blood showed that she had significant levels of Carisoprodol,
19 Valium, Nordiazepam and Temazeoam in her system. In addition, partially-filled prescription
20 bottles of Valium and Carisoprodol were found under the front seat of her car under
21 circumstances indicating that she was administering these medications to herself in amounts
22 exceeding the amounts prescribed. As part of the plea of the no contest by Respondent in *People*
23 *v. Donna Woods*, Fresno County Superior Court Case No. M07500237, as alleged in Paragraph 13
24 hereof, the Misdemeanor Complaint filed against Respondent in Fresno County Superior Court
25 Case No. M 08927416 was dismissed.


26 PRAYER

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

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1. Revoking or suspending Pharmacy License No. 50357, issued to Donna J. Woods-Munoz;
2. Ordering Respondent Donna J. Woods-Munoz 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/25/10


VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant