



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
 Fax: (916) 574-8618
 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>CARTER STROM</u>	Case No. <u>3393</u>
Address of Record: <u>5690 So PASADENA Rd</u> <u>Fort Mohave, Az. 86426</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 3393, I hereby request to surrender my license, License No. 36629. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Carter Strom
 Applicant's Signature

D. Hurd
 Executive Officer's Approval

3/10/14
 Date

3/18/14
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

Case No. 3393

CARTER R. STROM
22811 Tea Rose Lane
Moreno Valley, CA 92557

Pharmacist License No. RPH 36629

Respondent.

DECISION AND ORDER

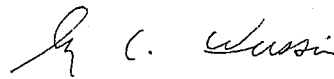
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on August 25, 2010.

It is so ORDERED on July 26, 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 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 MARICHELE S. TAHIMIC
Deputy Attorney General
4 State Bar No. 147392
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3154
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3393

12 **CARTER R. STROM**
13 22811 Tea Rose Lane
14 Moreno Valley, CA 92557

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Pharmacist License No. RPH 36629**

16 Respondent.

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

22 **PARTIES**

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

27 2. Respondent, Carter R. Strom, is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 3. On or about August 20, 1981, the Board of Pharmacy issued Pharmacist License No.
2 RPH 36629 to Carter R. Strom (Respondent). The Pharmacist License was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 3393 and will expire on April
4 30, 2011, unless renewed.

5 JURISDICTION

6 4. Accusation No. 3393 was filed before the Board of Pharmacy (Board), Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on October 13, 2009.
9 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
10 No. 3393 is attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 3393. Respondent has also carefully read, and understands the effects of this
14 Stipulated Settlement and Disciplinary Order.

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

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 3393.

27 ///

28 ///

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

4 CONTINGENCY

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

14 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
15 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
16 effect as the originals.

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

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

26 ///
27 ///
28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 36629 issued to Respondent
3 Carter R. Strom is revoked. However, the revocation is stayed and Respondent is placed on
4 probation for five (5) years on the following terms and conditions.

5 1. **Obey All Laws**

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

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

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

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

20 2. **Report to the Board**

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

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

11 **5. Continuing Education**

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

14 **6. Notice to Employers**

15 During the period of probation, respondent shall notify all present and prospective
16 employers of the Decision in Case Number 3393 and the terms, conditions and restrictions
17 imposed on respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 respondent undertaking any new employment, respondent shall cause his direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed
22 individual(s) has/have read the Decision in Case Number 3393, and terms and conditions imposed
23 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
24 submit timely acknowledgment(s) to the board.

25 If respondent works for or is employed by or through a pharmacy employment service,
26 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the board of the terms and conditions of the Decision in Case Number 3393 in

28 ///

1 advance of the respondent commencing work at each licensed entity. A record of this notification
2 must be provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this Decision, and within fifteen
4 (15) days of respondent undertaking any new employment by or through a pharmacy employment
5 service, respondent shall cause his direct supervisor with the pharmacy employment service to
6 report to the board in writing acknowledging that he has read the Decision in Case Number 3393
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
8 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the
24 board its costs of investigation and prosecution in the amount of \$3,093.50. Respondent shall
25 make said payments quarterly or pursuant to a payment plan that has been approved by the Board.

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

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

3 **9. Probation Monitoring Costs**

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

8 **10. Status of License**

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

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

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

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

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

26 Respondent may not reapply for any license from the board for three (3) years from the effective
27 date of the surrender. Respondent shall meet all requirements applicable to the license sought as

28 ///

1 of the date the application for that license is submitted to the board, including any outstanding
2 costs.

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

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

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

12 **13. Tolling of Probation**

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

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

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

27 "Cessation of practice" means any calendar month during which respondent is not
28 practicing as a pharmacist for at least 40 hours, as defined by Business and Professions

1 Code section 4000 et seq . "Resumption of practice" means any calendar month during
2 which respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as
3 defined by Business and Professions Code section 4000 et seq.

4 **14. Violation of Probation**

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

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

17 **15. Completion of Probation**

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

20 **16. Suspension**

21 As part of probation, respondent is suspended from the practice of pharmacy for 18 days,
22 beginning the effective date of this decision.

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

1 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
2 and devices or controlled substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **18. Random Drug Screening**

22 Respondent, at his own expense, shall participate in random testing, including but not
23 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
24 screening program as directed by the board or its designee. Respondent may be required to
25 participate in testing for the entire probation period and the frequency of testing will be
26 determined by the board or its designee. At all times, respondent shall fully cooperate with the
27 board or its designee, and shall, when directed, submit to such tests and samples for the detection
28 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its

1 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
2 of probation. Upon request of the board or its designee, respondent shall provide documentation
3 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
4 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
5 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
6 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
7 shall be considered a violation of probation and shall result in the automatic suspension of
8 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until
9 notified by the board in writing.

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

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

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

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

26 ///

27 ///

28 ///

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

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

13 **20. Supervised Practice**

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

19 Continuous – At least 75% of a work week

20 Substantial - At least 50% of a work week

21 Partial - At least 25% of a work week

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

23 Within thirty (30) days of the effective date of this decision, respondent shall have his
24 supervisor submit notification to the board in writing stating that the supervisor has read the
25 Decision in Case Number 3393 and is familiar with the required level of supervision as
26 determined by the board or its designee. It shall be the respondent's responsibility to ensure that
27 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to

28 ///

1 the board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
2 acknowledgements to the board shall be considered a violation of probation.

3 If respondent changes employment, it shall be the respondent's responsibility to ensure that
4 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
5 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
6 commences, submit notification to the board in writing stating the direct supervisor and
7 pharmacist-in-charge have read the Decision in Case Number 3393 and is familiar with the level
8 of supervision as determined by the board. Respondent shall not practice pharmacy and his
9 license shall be automatically suspended until the board or its designee approves a new
10 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
11 acknowledgements to the board shall be considered a violation of probation.

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

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 controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

1 **21. No Ownership of Licensed Premises**

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

9 **22. Tolling of Suspension**

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

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

22 **23. Ethics Course**

23 During the term of probation and within two (2) years from the effective date of this
24 Decision, respondent shall enroll in, and initiate, a course in ethics, at respondent's expense,
25 approved in advance by the board or its designee. If the ethics course is not available, respondent
26 may substitute ethics counseling, or another course, with approval in advance by the Board or its
27 designee. Completion of the course is a requirement of probation.

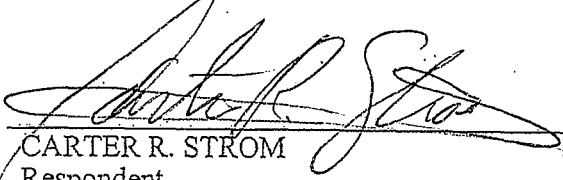
28 ///

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

3 ACCEPTANCE

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

8
9 DATED: 4/12/10


10 CARTER R. STROM
11 Respondent


12 ENDORSEMENT

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

15 Dated: April 20, 2010

16 Respectfully Submitted,

17 EDMUND G. BROWN JR.
18 Attorney General of California
19 LINDA K. SCHNEIDER
20 Supervising Deputy Attorney General


21 MARICHELE S. TAHMIC
22 Deputy Attorney General
23 Attorneys for Complainant

24 SD2009804360/80402925.doc

Exhibit A

Accusation No. 3393

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 MARICHELLE S. TAHIMIC
Deputy Attorney General
4 State Bar No. 147392
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3154
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3393

12 **CARTER R. STROM**
13 22811 Tea Rose Lane
14 Moreno Valley, CA 92557

A C C U S A T I O N

15 **Pharmacist License No. RPH 36629**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about August 20, 1981, the Board of Pharmacy issued Pharmacist License
23 Number RPH 36629 to Carter R. Strom (Respondent). The Pharmacist License was in full force
24 and effect at all times relevant to the charges brought herein and will expire on April 30, 2011,
25 unless renewed.

26 ///
27 ///
28 ///

JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states:

6 “(a) Every license issued may be suspended or revoked.

7 “(b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 “(1) Suspending judgment.

11 “(2) Placing him or her upon probation.

12 “(3) Suspending his or her right to practice for a period not exceeding one year.

13 “(4) Revoking his or her license.

14 “(5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 “....”

17 “(e) The proceedings under this article shall be conducted in accordance with Chapter 5
18 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
19 shall have all the powers granted therein. The action shall be final, except that the propriety of
20 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
21 Civil Procedure.”

22 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
23 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
24 disciplinary action during the period within which the license may be renewed, restored, reissued
25 or reinstated.

26 ///

27 ///

28 ///

STATUTORY PROVISIONS AND REGULATIONS

6. 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:

"...

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

"...

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

3 "...."

4 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 8. Section 493 of the Code states:

9 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
10 the department pursuant to law to deny an application for a license or to suspend or revoke a
11 license or otherwise take disciplinary action against a person who holds a license, upon the
12 ground that the applicant or the licensee has been convicted of a crime substantially related to the
13 qualifications, functions, and duties of the licensee in question, the record of conviction of the
14 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
15 and the board may inquire into the circumstances surrounding the commission of the crime in
16 order to fix the degree of discipline or to determine if the conviction is substantially related to the
17 qualifications, functions, and duties of the licensee in question.

18 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
19 'registration.'"

20 9. California Code of Regulations, title 16, section 1770 states:

21 "For the purpose of denial, suspension, or revocation of a personal or facility license
22 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
23 crime or act shall be considered substantially related to the qualifications, functions or duties of a
24 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
25 licensee or registrant to perform the functions authorized by his license or registration in a manner
26 consistent with the public health, safety, or welfare."

27 ///

28 ///

1 10. Section 482 of the Code states:

2 "Each board under the provisions of this code shall develop criteria to evaluate the
3 rehabilitation of a person when:

4 "(a) Considering the denial of a license by the board under Section 480; or

5 "(b) Considering suspension or revocation of a license under Section 490.

6 "Each board shall take into account all competent evidence of rehabilitation furnished by
7 the applicant or licensee."

8 11. Title 16, Code of Regulations, section 1769, subdivision (b), provides in part:

9 "(b) When considering the suspension or revocation of a facility or a personal license on
10 the ground that the licensee or the registrant has been convicted of a crime, the board, in
11 evaluating the rehabilitation of such person and his present eligibility for a license will consider
12 the following criteria:

13 "(1) Nature and severity of the act(s) or offense(s).

14 "(2) Total criminal record.

15 "(3) The time that has elapsed since commission of the act(s) or offense(s).

16 "(4) Whether the licensee has complied with all terms of parole, probation, restitution or
17 any other sanctions lawfully imposed against the licensee.

18 "(5) Evidence, if any, of rehabilitation submitted by the licensee."

19 **COST RECOVERY**

20 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the
21 administrative law judge to direct a licensee found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (August 22, 2008 Conviction of DUI on April 20, 2008)

26 13. Respondent is subject to disciplinary action under Code sections 490 and 4301 (1) in
27 that Respondent was convicted of a crime substantially related to the qualifications, functions and
28 duties of a pharmacist in *People v. Carter Strom*, San Joaquin County Superior Court, Case No.

1 SPO8-21273, on his plea of nolo contendere to violation of Vehicle Code section 23152(b),
2 driving under the influence of alcohol with a blood alcohol content of 0.08% or greater, a
3 misdemeanor.

4 14. The circumstances that led to the conviction are that on April 20, 2008, an officer of
5 the Stockton Police Department received a report of a family disturbance in Respondent's home.
6 As the officer was en route to the call, the officer received information from the dispatcher that
7 Respondent left the house in a maroon Infiniti sedan and was possibly under the influence of
8 alcohol. The officer observed this vehicle parked about 3 feet from the curb approximately a half
9 mile from Respondent's home. The vehicle was not parked completely parallel to the curb. The
10 officer approached the vehicle and observed Respondent behind the steering wheel. The keys
11 were in the ignition and although the gear was in "Park", the car was running. Respondent
12 advised the officer that he was waiting for someone. Respondent's eyes were bloodshot and
13 watery and his speech was slightly slurred. The officer smelled the odor of alcohol from coming
14 from the vehicle. Respondent exited his vehicle at the officer's request. As Respondent did so,
15 the officer observed that Respondent was unsteady and swayed side to side. He was wearing a
16 white undershirt, brown dress slacks with an undone belt and no shoes or socks. Respondent
17 admitted that he was driving, but only to get away from his wife. They had been arguing and he
18 was afraid that she was going to get physical so he felt he had to escape. Respondent stated he
19 drove a short distance away and pulled over once he realized he shouldn't be driving drunk.

20 15. Respondent agreed to perform the preliminary alcohol screening, or PAS, test with a
21 result of 0.181% blood alcohol. Respondent then elected to take breath tests which had the
22 following results: 0.13% blood alcohol and 0.14% blood alcohol.

23 16. Respondent was sentenced to 3 years probation, required to pay \$2,445 in fines and
24 fees, required to serve 2 days in jail and required to complete an alcohol program.

25 ///

26 ///

27 ///

28 ///

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct on July 16, 2008)

1
2
3 17. Respondent is subject to disciplinary action under Code section 4301 for
4 unprofessional conduct in that Respondent appeared for work as the on-call pharmacist while he
5 was intoxicated.

6 18. The circumstances are that on July 15, 2008, Respondent was the on-call pharmacist
7 for after-hours emergency needs at Redbud Community Hospital pharmacy. Respondent was a
8 contract pharmacist through a company that provided contract pharmacy staff to pharmacies.
9 Redbud Community Hospital did not have a 24-hour pharmacy. The pharmacy's regular hours of
10 operation were 7 a.m. to 5:30 p.m. Redbud Community Hospital used employee and contract
11 pharmacists to cover emergency patient medication needs as well as on-call pharmacist coverage
12 when the pharmacy was closed.

13 19. Shortly after midnight on July 16, 2008, Nurse J.P. received an order from the
14 emergency room doctor for medication for a patient in the emergency room. J.P. contacted
15 Respondent, the on-call pharmacist, at about 0030 hours, to come in to retrieve the medication
16 from the pharmacy. After not hearing from Respondent for 20-25 minutes, J.P. tried to contact
17 Respondent again but got no answer. As J.P. was calling Respondent again, Respondent had
18 called in and spoke with the emergency room technician, "J". Respondent advised J. that he was
19 on his way in and would be at the hospital in 20-25 minutes. After speaking with Respondent, J
20 contacted J.P. and stated that while J was on the telephone with Respondent, Respondent was
21 having difficulty forming words, even saying his own name. At about 0130 hours, J.P. received a
22 page from another nurse stating that Respondent was in her department looking for the keys to the
23 pharmacy. The nurse described Respondent as being impaired, having "had too much to drink
24 and was popping gum like candy." Respondent had difficulty using his cell phone to find out
25 whether his wife had found the pharmacy keys. When J.P. confronted Respondent, he admitted
26 he had two drinks. The Clearlake Police Department escorted Respondent out. J.P. was not able
27 to obtain the medication for the patient in the emergency room.

28 ///

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Use of Alcoholic Beverages to
3 the Extent to be Dangerous to the Public on July 16, 2008)

4 20. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
5 for unprofessional conduct in that Respondent used alcoholic beverages to the extent the use
6 impaired his ability to conduct with safety to the public the practice of pharmacy, as more fully
7 set forth in paragraphs 17-19, above.

8 PRAYER

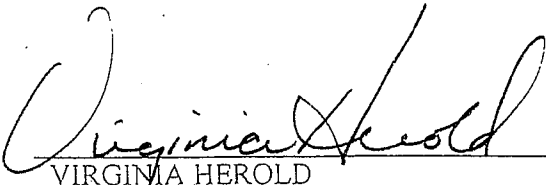
9
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacist License Number RPH 36629, issued to Carter R.
13 Strom Carter R. Strom;

14 2. Ordering Carter R. Strom to pay the Board of Pharmacy the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
18

19
20
21 DATED: 10/5/09


22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

SD2009804360
30811052.doc