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

In the Matter of the Accusation/Petition to  
Revoke Probation Against:

**MICHELLE ANNE DASH**  
**19360 Rinaldi Street, #329**  
**Porter Ranch, CA 91326**  
**Pharmacist License No. RPH 42182**

Respondent.

Case No. 3537

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 10, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation/Petition to Revoke Probation No. 3537 against Michelle Anne Dash (Respondent) before the Board of Pharmacy. (Accusation/Petition to Revoke Probation attached as Exhibit A.)

2. On or about September 7, 1988, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 42182 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and expired on March 31, 2010. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

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1           3.     On or about March 3, 2010, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation/Petition to Revoke Probation No. 3537, Statement to Respondent,  
3 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections  
4 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business  
5 and Professions Code section 136 and 4100 in conjunction with California Code of Regulations  
6 section 1704, is required to be reported and maintained with the Board, which was and is:  
7 19360 Rinaldi Street, #329, Porter Ranch, CA 91326.

8           4.     Service of the Petition to Revoke Probation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
10 Code section 124.

11           5.     On or about March 18, 2010, the aforementioned documents were returned by the  
12 U.S. Postal Service marked "Unclaimed."

13           6.     Government Code section 11506 states, in pertinent part:

14                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
16 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

17           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
18 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of  
19 Petition to Revoke Probation No. 3537.

20           8.     California Government Code section 11520 states, in pertinent part:

21                 (a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

24           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
28 therein on file at the Board's offices regarding the allegations contained in Petition to Revoke

1 Probation No. 3537, finds that the charges and allegations in Petition to Revoke Probation No.  
2 3537, are separately and severally true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$1,977.50 as of November 10, 2010.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Michelle Anne Dash has  
8 subjected her Pharmacist License No. RPH 42182 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License  
11 based upon the following violations alleged in the Petition to Revoke Probation which are  
12 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
13 case.:

14 a. Respondent's probation is subject to revocation because she failed to comply with  
15 Probation Condition No. 16, by failing to honor treatment contract obligations as a participant in  
16 the Pharmacists' Recovery Program.

17 b. Respondent's probation is subject to revocation because she failed to comply with  
18 Probation Condition No. 3, referenced above, in that she failed to attend a Board-scheduled  
19 interview.

20 c. Respondent's probation is subject to revocation because she failed to comply with  
21 Probation Condition No. 4, in that she failed to cooperate with the Board at numerous times and  
22 in numerous ways.

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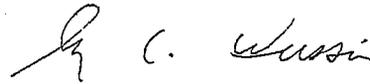
ORDER

IT IS SO ORDERED that Pharmacist License No. RPH 42182, heretofore issued to Respondent Michelle Anne Dash, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 28, 2011.

It is so ORDERED February 25, 2011.



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STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.rtf  
DOJ Matter ID:LA2009604744

Attachment:  
Exhibit A: Accusation/Petition to Revoke Probation

# Exhibit A

Petition to Revoke Probation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 BRIAN G. WALSH  
Deputy Attorney General  
4 State Bar No. 207621  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2535  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke  
12 Probation Against:

Case No. 3537

13 **MICHELLE ANNE DASH**  
19360 Rinaldi Street, #329  
14 Porter Ranch, CA 91326

**PETITION TO REVOKE PROBATION**

15 Original Pharmacist License No. RPH 42182

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Petition to Revoke Probation solely in  
21 her official capacity as the Executive Officer of the Board of Pharmacy.

22 2. On or about September 7, 1988, the Board of Pharmacy (Board) issued Original  
23 Pharmacist License Number RPH 42182 (the license) to Michelle Anne Dash (Respondent). The  
24 license was in effect at all times relevant to the charges brought herein and will expire on  
25 March 31, 2010, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Accusation against Michelle Anne  
27 Lacko-Helm [Respondent's former name]," Case No. 2558, the Board issued a decision, effective  
28 August 27, 2004, in which Respondent's license was revoked. However, the revocation was

1 stayed and Respondent's license was placed on probation for a period of five (5) years, with  
2 certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated  
3 by reference.

4 **JURISDICTION**

5 4. This Petition to Revoke Probation is brought before the Board under the authority of  
6 the following laws. All section references are to the Business and Professions Code unless  
7 otherwise indicated.

8 **STATUTORY PROVISIONS**

9 5. Section 118, subdivision (b), provides that the suspension or expiration of a license  
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
11 within which the license may be renewed, restored, reissued or reinstated.

12 6. Section 4300, subdivision (a), states: "Every license issued may be suspended or  
13 revoked."

14 **REGULATORY PROVISIONS**

15 7. California Code of Regulations, title 16, section 1773, states:

16 "(a) Unless otherwise directed by the Board in its sole discretion, any pharmacist who  
17 is serving a period of probation shall comply with the following conditions:

18 (1) Obey all laws and regulations substantially related to the practice of  
19 Pharmacy;

20 (2) Report to the Board or its designee quarterly either in person or in writing  
21 as directed; the report shall include the name and address of the probationer's employer. If the  
22 final probation report is not made as directed, the period of probation shall be extended until such  
23 time as the final report is made;

24 (3) Submit to peer review if deemed necessary by the Board;

25 (4) Provide evidence of efforts to maintain skill and knowledge as a  
26 pharmacist as directed by the Board;

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1           (5) Inform all present and prospective employers of license restrictions and  
2 terms of probation. Probationers employed by placement agencies must inform all permittees in  
3 whose premises they work of license restrictions and terms of probation.

4           (6) Not supervise any registered interns nor perform any of the duties of a  
5 preceptor;

6           (7) The period of probation shall not run during such time that the probationer  
7 is engaged in the practice of pharmacy in a jurisdiction other than California.

8           “(b) If ordered by the Board in an administrative action or agreed upon in the stipulated  
9 settlement of an administrative action, any registered pharmacist who is serving a period of  
10 probation shall comply with any or all of the following conditions:

11           (1) Take and pass all or any sections of the pharmacist licensure examination  
12 and/or attend continuing education courses in excess of the required number in specific areas of  
13 practice if directed by the Board;

14           (2) Provide evidence of medical or psychiatric care if the need for such care is  
15 indicated by the circumstances leading to the violation and is directed by the Board;

16           (3) Allow the Board to obtain samples of blood or urine (at the pharmacist's  
17 option) for analysis at the pharmacist's expense, if the need for such a procedure is indicated by  
18 the circumstances leading to the violation and is directed by the Board;

19           (4) If and as directed by the Board, practice only under the supervision of a  
20 pharmacist not on probation to the Board. The supervision directed may be continuous  
21 supervision, substantial supervision, partial supervision, or supervision by daily review as deemed  
22 necessary by the Board for supervision, partial supervision, or supervision by daily review as  
23 deemed necessary by the Board for the protection of the public health and safety.

24           (5) Complete an ethics course that meets the requirements of section 1773.5.

25           “(c) When the circumstances of the case so require, the Board may impose conditions of  
26 probation in addition to those enumerated herein by the terms of its decision in an administrative  
27 case or by stipulation of the parties.”

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1 FIRST CAUSE TO REVOKE PROBATION

2 (Failure to Successfully Complete the Pharmacists' Recovery Program)

3 8. At all times after the effective date of Respondent's probation, Probation  
4 Condition No. 16 stated:

5 "Within 30 days of the effective date of this decision, Respondent shall contact the  
6 Pharmacists Recovery Program for evaluation and shall successfully participate in and complete  
7 the treatment contract and any subsequent addendums as recommended and provided by the PRP  
8 and as approved by the Board. The costs for PRP participation shall be borne by the Respondent.

9 "If Respondent is currently enrolled in the PRP, said participation is now mandatory and is  
10 no longer considered a self-referral under Business and Professions Code section 4363, as of the  
11 effective date of this decision. Respondent shall successfully participate in and complete her  
12 current contract and any subsequent addendums with the PRP. Probation shall be automatically  
13 extended until Respondent successfully completes her treatment contract. Any person terminated  
14 from the program shall be automatically suspended upon notice by the Board. Respondent may  
15 not resume the practice of pharmacy until notified by the Board in writing. The Board shall retain  
16 jurisdiction to institute action to terminate probation for any violation of this term."

17 9. Respondent's probation is subject to revocation because she failed to comply  
18 with Probation Condition No. 16, referenced above, by failing to honor treatment contract  
19 obligations as a participant in the Pharmacists' Recovery Program. Although Respondent's five-  
20 year probationary period was set to continue until on or about August 27, 2009, on or about June  
21 27, 2008, the Board granted Respondent "transition status," a one-year period leading to  
22 successful completion status, contingent upon a negative result for the hair follicle testing that is  
23 conducted at the end of transition time. Respondent requested extensions of time for the required  
24 follicle testing on or about the following dates: (1) June 28, 2008; (2) December 31, 2008;  
25 (3) March 30, 2009; and (4) June 24, 2009. The Board granted each of these requests. When  
26 Respondent was finally scheduled for hair follicle testing on or about August 28, 2009, she failed  
27 to appear. Respondent never submitted to the contractually-required hair follicle analysis.

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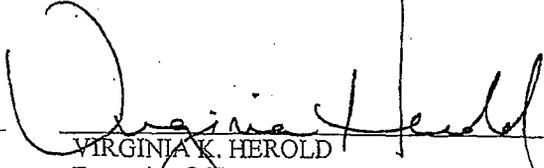


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PRAYER

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2558 and imposing the disciplinary order that was stayed, thereby revoking Pharmacist License No. RPH 42182 issued to Michelle Anne Dash;
2. Revoking or suspending Pharmacist License No. RPH 42182, issued to Michelle Anne Dash; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/10/10 

VIRGINIA K. HEROLD  
Executive Officer  
Board of Pharmacy  
State of California  
*Complainant*

LA2009604744

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JAMI L. CANTORE, State Bar No. 165410  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2569  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

11 MICHELLE ANNE LACKO-HELM  
28160 McBean Parkway, #16101  
12 Valencia, CA 91354

13 Original Pharmacist License No. RPH 42182

14 Respondent.

Case No. 2558

OAH No. L-2003080280

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER.**

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

18 PARTIES

19 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
20 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
21 by Bill Lockyer, Attorney General of the State of California, by Jami L. Cantore, Deputy  
22 Attorney General.

23 2. Michelle Anne Lacko-Helm (Respondent) is representing herself in this  
24 proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about September 7, 1988, the Board of Pharmacy issued Original  
26 Pharmacist License No. RPH 42182 to Michelle Anne Lacko-Helm (Respondent). The License  
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 2558  
28 and will expire on March 31, 2006, unless renewed.

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JURISDICTION

4. Accusation No. 2558 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 3, 2003. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2558 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2558. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2558.

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

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RESERVATION

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

CONTINGENCY

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 42182 issued to Respondent Michelle Anne Lacko-Helm is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

1 Respondent shall report any of the following occurrences to the Board, in writing,  
2 within 72 hours of such occurrence:

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

13 2. **Reporting to the Board.** Respondent shall report to the Board  
14 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
15 shall state under penalty of perjury whether there has been compliance with all the terms and  
16 conditions of probation. If the final probation report is **not** made as directed, probation shall  
17 be extended automatically until such time as the final report is made and accepted by the  
18 Board.

19 3. **Interview with the Board.** Upon receipt of reasonable notice,  
20 Respondent shall appear in person for interviews with the Board upon request at various  
21 intervals at a location to be determined by the Board. Failure to appear for a scheduled  
22 interview without prior notification to Board staff shall be considered a violation of probation.

23 4. **Cooperation with Board Staff.** Respondent shall cooperate with the  
24 Board's inspection program and in the Board's monitoring and investigation of Respondent's  
25 compliance with the terms and conditions of her probation. Failure to comply shall be  
26 considered a violation of probation.

27 5. **Continuing Education.** Respondent shall provide evidence of efforts  
28 to maintain skill and knowledge as a pharmacist as directed by the Board.

1                   6.     **Notice to Employers.** Respondent shall notify all present and  
2 prospective employers of the decision in case number 2558 and the terms, conditions and  
3 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
4 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
5 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
6 writing acknowledging the employer has read the decision in case number 2558.

7                   If Respondent works for or is employed by or through a pharmacy employment  
8 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
9 every pharmacy of the and terms conditions of the decision in case number 2558 in advance of  
10 the Respondent commencing work at each pharmacy.

11                  "Employment" within the meaning of this provision shall include any full-time, part-  
12 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
13 Respondent is considered an employee or independent contractor.

14                   7.     **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
15 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
16 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
17 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
18 order.

19                   8.     **Reimbursement of Board Costs.** Respondent shall pay to the Board  
20 its costs of investigation and prosecution in the amount of \$ 2500.00. Respondent shall make  
21 said payments as follows: quarterly payments over first three (3) years of probation, with  
22 payment in full by completion of third year of probation.

23                  The filing of bankruptcy by Respondent shall not relieve Respondent of her  
24 responsibility to reimburse the Board its costs of investigation and prosecution.

25                   9.     **Probation Monitoring Costs.** Respondent shall pay the costs  
26 associated with probation monitoring as determined by the Board each and every year of  
27 probation. Such costs shall be payable to the Board at the end of each year of probation.  
28 Failure to pay such costs shall be considered a violation of probation.

1           10.     **Status of License.** Respondent shall, at all times while on probation,  
2 maintain an active current license with the Board, including any period during which  
3 suspension or probation is tolled.

4           If Respondent's license expires or is canceled by operation of law or otherwise,  
5 upon renewal or reapplication, Respondent's license shall be subject to all terms and  
6 conditions of this probation not previously satisfied.

7           11.     **License Surrender while on Probation.** Following the effective date  
8 of this decision, should Respondent cease practice due to retirement or health, or be otherwise  
9 unable to satisfy the terms and conditions of probation, Respondent may tender her license to  
10 the Board for surrender. The Board shall have the discretion whether to grant the request for  
11 surrender or take any other action it deems appropriate and reasonable. Upon formal  
12 acceptance of the surrender of the license, Respondent will no longer be subject to the terms  
13 and conditions of probation.

14           Upon acceptance of the surrender, Respondent shall relinquish her pocket  
15 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
16 Respondent may not reapply for any license from the Board for three years from the effective  
17 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
18 as of the date the application for that license is submitted to the Board.

19           12.     **Notification of Employment/Mailing Address Change.** Respondent  
20 shall notify the Board in writing within 10 days of any change of employment. Said  
21 notification shall include the reasons for leaving and/or the address of the new employer,  
22 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
23 writing within 10 days of a change in name, mailing address or phone number.

24           13.     **Tolling of Probation.** Should Respondent, regardless of residency, for  
25 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in  
26 California, Respondent must notify the Board in writing within 10 days of cessation of the  
27 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
28 shall not apply to the reduction of the probation period. It is a violation of probation for

1 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
2 period exceeding three years.

3           14.     **Violation of Probation.** If Respondent violates probation in any  
4 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
5 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
6 probation or an accusation is filed against Respondent during probation, the Board shall have  
7 continuing jurisdiction and the period of probation shall be extended, until the petition to  
8 revoke probation or accusation is heard and decided.

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

14           15.     **Completion of Probation.** Upon successful completion of probation,  
15 Respondent's license will be fully restored.

16           16.     **Rehabilitation Program - Pharmacists Recovery Program (PRP).**  
17 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
18 Recovery Program for evaluation and shall successfully participate in and complete the  
19 treatment contract and any subsequent addendums as recommended and provided by the PRP  
20 and as approved by the Board. The costs for PRP participation shall be borne by the  
21 Respondent.

22           If Respondent is currently enrolled in the PRP, said participation is now  
23 mandatory and is no longer considered a self-referral under Business and Professions Code  
24 section 4363, as of the effective date of this decision. Respondent shall successfully  
25 participate in and complete her current contract and any subsequent addendums with the PRP.  
26 Probation shall be automatically extended until Respondent successfully completes her  
27 treatment contract. Any person terminated from the program shall be automatically suspended  
28 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified



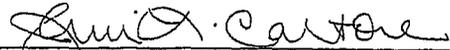
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ENDORSEMENT

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: 6/9/04

BILL LOCKYER, Attorney General  
of the State of California



JAMIL L. CANTORE  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03583110-SD2002AD0508  
lackohelm.pharmacy.wpd

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

In the Matter of the Accusation Against:

MICHELLE ANNE LACKO-HELM  
30321 Malaspina Road  
San Juan Capistrano, CA 92675

Original Pharmacist License No. RPH 42182

Respondent.

Case No. 2558

OAH No. L-2003080280

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 27, 2004.

It is so ORDERED July 28, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 2558**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JAMI L. CANTORE, State Bar No. 165410  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2569  
5 Facsimile: (213) 897-2804

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. 2558

11 MICHELLE ANNE LACKO-HELM  
30321 Malaspina Road  
12 San Juan Capistrano, CA 92675

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

13 Original Pharmacist License No. RPH 42182

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
20 Affairs.

21 2. On or about September 7, 1988, the Board of Pharmacy issued Original  
22 Pharmacist License Number RPH 42182 to Michelle Anne Lacko-Helm (Respondent). The  
23 Original Pharmacist License was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on March 31, 2004, unless renewed.

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1 Board of Pharmacy Regulations based on facts which include the following:

2 (a) By her own admission, on numerous occasions between approximately the Fall  
3 of 2000 through April 5, 2001, Respondent diverted between 7,000 and 8,000 tablets of  
4 hydrocodone medication (Schedule III) for her personal and unauthorized use.

5 (b) On or about April 5, 2001, Respondent was questioned by her then employer's  
6 security personnel. During the course of the security interview, a number of items were seized  
7 from Respondent's purse when it was searched. On or about April 7, 2001, the Suffolk Police  
8 Department conducted an inventory of the seized items, which included the following controlled  
9 substances: 76 hydrocodone 7.5 mg tablets, 215 hydrocodone 5.0 mg tablets, 10 Vicodin 5 mg  
10 tablets, and 6 hydrocodone 10 mg tablets.

11 PRAYER

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

- 14 1. Revoking or suspending Original Pharmacist License Number RPH  
15 421 82, issued to Michelle Anne Lacko-Helm;
- 16 2. Ordering Michelle Anne Lacko-Helm to pay the Board of Pharmacy the  
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
18 Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 6/26/03

21  
22 P. F. Harris  
23 PATRICIA F. HARRIS  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant