

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

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

Case No. 3699

ROBERT THOMAS HALL
3636 Trinity Street
Eureka, CA 95501

Pharmacist License No. RPH 32860

Respondent.

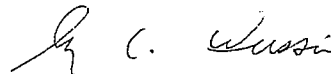
DECISION AND ORDER

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 February 5, 2011.

It is so ORDERED January 6, 2011.

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 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
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 and Petition to
11 Revoke Probation Against:

12 **ROBERT THOMAS HALL**
13 **3636 Trinity Street**
Eureka, California 95501

14 **Pharmacist License No. RPH 32860**

15 Respondent.

Case No. 3699

OAH No. 2010080990

STIPULATED SURRENDER OF
LICENSE AND ORDER

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy, Department of Consumer Affairs, the
19 parties hereby agree to the following Stipulated Surrender of License and Order to be submitted
20 to the Board for approval in final disposition of the Accusation and Petition to Revoke Probation.

21
22 PARTIES

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

27 2. Robert Thomas Hall (Respondent) 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 7, 1979, the Board of Pharmacy issued Pharmacist License No.
2 RPH 32860 to Robert Thomas Hall (Respondent). The Pharmacist License was in full force and
3 effect at all times relevant to the charges brought in Accusation and Petition to Revoke Probation
4 No. 3 699, and will expire on October 31, 2012, unless renewed.

5 4. In a prior disciplinary action entitled "In the Matter of Accusation against Robert
6 Thomas Hall," Case No. 2989, the Board of Pharmacy issued a decision, effective February 13,
7 2008, in which Respondent's Pharmacist License was revoked. However, revocation was stayed
8 and the License was placed on probation for a period of five (5) years with certain terms and
9 conditions. A copy of that decision is attached as exhibit A and is incorporated by reference.

10
11 JURISDICTION

12 5. Respondent is the subject of an existing Decision and Order of the Board, in Case No.
13 2989, pursuant to which Respondent's Pharmacist License No. RPH 32860 was revoked, stayed,
14 probation for five (5) years from February 13, 2008. If Respondent had been fully compliant, that
15 probation would have terminated on or about February 13, 2013. Pursuant to Term and Condition
16 21 thereof, by the filing of Accusation and Petition to Revoke Probation No. 3699, the Board
17 exerts continuing jurisdiction, and probation is extended until the new case is heard and decided.

18 6. Accusation and Petition to Revoke Probation No. 3699 was filed before the Board of
19 Pharmacy (Board) and is currently pending against Respondent. The Accusation and Petition to
20 Revoke Probation and all other statutorily required documents were properly served on
21 Respondent on July 14, 2010. Respondent timely filed his Notice of Defense contesting the
22 Accusation and Petition to Revoke Probation. A copy of Accusation and Petition to Revoke
23 Probation No. 3699 is attached as exhibit B and is incorporated herein by reference.

24
25 ADVISEMENT AND WAIVERS

26 7. Respondent has carefully read, and understands, the charges and allegations in
27 Accusation and Petition to Revoke Probation No. 3699. Respondent has also carefully read, and
28 understands, the effects of this Stipulated Surrender of License and Order.

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

3 14. This Stipulated Surrender of License and Order is intended by the parties to be an
4 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
5 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
6 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
7 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
8 executed by an authorized representative of each of the parties.

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

11
12 **ORDER**

13 IT IS HEREBY ORDERED that Pharmacist License No. RPH 32860, issued to Respondent
14 Robert Thomas Hall, is surrendered and accepted by the Board of Pharmacy.

15 16. The surrender of Respondent's Pharmacist License and the acceptance of the
16 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
17 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
18 license history with the Board.

19 17. Respondent shall lose all rights and privileges as a Pharmacist in California as of the
20 effective date of the Board's Decision and Order.

21 18. Respondent shall cause to be delivered to the Board his wall license certificate and, if
22 one was issued, his pocket license, on or before the effective date of the Decision and Order.

23 19. If he ever applies for licensure or petitions for reinstatement in the State of California,
24 the Board shall treat it as a new application for licensure. Respondent must comply with all the
25 laws, regulations and procedures for licensure in effect at the time the application or petition is
26 filed, and all of the charges and allegations contained in Accusation and Petition to Revoke
27 Probation No. 3699 shall be deemed to be true, correct and admitted by Respondent when the
28 Board determines whether to grant or deny the application or petition.

1 20. Respondent may not apply, reapply, or petition for any licensure or registration of the
2 Board for three (3) years from the effective date of the Decision and Order

3 21. If Respondent should ever apply or reapply for a new license or certification, or
4 petition for reinstatement of a license, by any other health care licensing agency in the State of
5 California, all of the charges and allegations contained in Accusation and Petition to Revoke
6 Probation No. 3699 shall be deemed to be true, correct, and admitted by Respondent for the
7 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

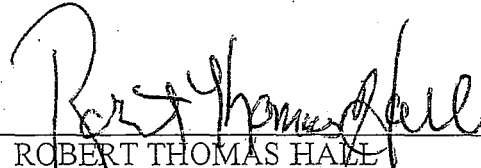
8 22. Respondent shall pay the Board its costs of investigation and enforcement in the
9 amount of \$10,500.00 prior to issuance of a new or reinstated license.

10
11 ACCEPTANCE

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

16
17 DATED:

10-26-10

18 
19 ROBERT THOMAS HALL
20 Respondent

21 ENDORSEMENT

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

24 Dated: October 22, 2010

25 Respectfully submitted,

26 EDMUND G. BROWN JR.
27 Attorney General of California
28 FRANK H. PACOE
Supervising Deputy Attorney General

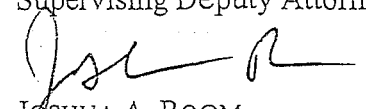

JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Decision and Order in Case No. 2989

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

In the Matter of the Accusation Against:

ROBERT THOMAS HALL
9631 Cow Pony Drive
Las Vegas, Nevada 89123

Pharmacist License No. RPH 32860

Respondent.

Case No. 2989

OAH No. N2007100790

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 February 13, 2008

It is so ORDERED January 14, 2008

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

William Powers

WILLIAM POWERS
Board President

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Executive Office
NICHOLAS HERBOLD

BOARD

DO NOT SIGN
CORRECT COPIES OF THE ORDER
THIS ORDER IS VALID IN THE
STATE OF CALIFORNIA
F. AIRCRAFT PHOTOGRAPHY
STATE OF CALIFORNIA

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
4 California Department of Justice
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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 Accusation Against:
12 ROBERT THOMAS HALL
963 1 Cow Pony Drive
13 Las Vegas, Nevada 89123
14
15 Pharmacist License No. RPH 32860
16 Respondent.

Case No. 2989
OAH No. N2007100790
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 PARTIES

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

26 2. Respondent Robert Thomas Hall (Respondent) is represented in this
27 proceeding by attorney Gregory P. Matzen, whose address is Lewis Brisbois Bisgaard & Smith
28 LLP - Sacramento, 2500 Venture Oaks Way, Suite 200, Sacramento, CA 95833.

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

9 During suspension, Respondent shall not engage in any activity that requires the
10 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
11 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or an
12 exemptee for any entity licensed by the Board. Subject to the above restrictions, Respondent
13 may continue to own or hold an interest in any pharmacy in which he holds an interest at the time
14 this decision becomes effective unless otherwise specified in this order.

15 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
16 regulations substantially related to or governing the practice of pharmacy. Respondent shall
17 report any of the following to the Board, in writing, within seventy-two (72) hours:

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

28 ///

1 Any violation of pertinent law or any failure to timely report to the Board in
2 writing any of the foregoing occurrences shall be considered a violation of probation.

3 3. **Reporting to the Board.** Respondent shall report to the Board on a
4 quarterly basis, in person or in writing, as directed. In each such report, Respondent shall state
5 under penalty of perjury whether there has been compliance with all the terms and conditions
6 of probation. Failure to make any report timely and complete as directed shall be considered a
7 violation of probation. If the final probation report is not made as directed, probation shall be
8 extended automatically until such time as the final report is made and accepted by the Board.

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

13 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
14 Board's inspection program and in the Board's monitoring and investigation of Respondent's
15 compliance with the terms and conditions of her probation. Failure to cooperate or comply
16 with Board monitoring or investigation shall be considered a violation of probation.

17 6. **Continuing Education.** Respondent shall provide evidence of efforts
18 to maintain skill and knowledge as a pharmacist as directed by the Board.

19 7. **Notice to Employers.** Respondent shall notify all present and
20 prospective employers of the decision in Case Number 2989 and the terms, conditions and
21 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
22 this decision, and within 15 days of Respondent undertaking new employment, Respondent
23 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
24 writing acknowledging the employer has read the decision in Case Number 2989.

25 If Respondent works for or is employed by or through a pharmacy employment
26 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
27 every pharmacy of the and terms conditions of the decision in Case Number 2989 in advance
28 of the Respondent commencing work at each pharmacy.

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

3 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
4 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
5 pharmacist or perform any duties of a preceptor, nor shall Respondent be the pharmacist-in-
6 charge of any entity licensed by the Board during the period of probation.

7 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
8 its costs of investigation and prosecution in the amount of \$11,500.00. Payments shall be due
9 on a quarterly basis, with the entire amount to be paid within three (3) years. Failure to make
10 timely payments of Board costs as directed shall be considered a violation of probation.

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

13 10. **Probation Monitoring Costs.** Respondent shall pay costs associated
14 with probation monitoring as determined by the Board each and every year of probation. Such
15 costs shall be payable to the Board at the end of each year of probation. Failure to timely pay
16 such costs as directed shall be considered a violation of probation.

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

18 Within thirty (30) days of the effective date of this decision, Respondent shall
19 contact the Pharmacists Recovery Program (PRP) for evaluation and shall successfully
20 participate in and complete the treatment contract and any subsequent addendums as
21 recommended and provided by the PRP and as approved by the Board. The costs for PRP
22 participation shall be borne by the Respondent. If Respondent is currently enrolled in the
23 PRP, said participation is now mandatory and is no longer considered a self-referral under
24 Business and Professions Code section 4363, as of the effective date of this decision.

25 Respondent shall hereafter successfully participate in and complete his current contract and
26 any subsequent addendums with the PRP. Probation shall be automatically extended until
27 Respondent successfully completes any such treatment contract(s).

28 ///

1 If Respondent is terminated from the program, his license to practice shall be
2 automatically suspended upon notice by the Board. Respondent may not resume the practice
3 of pharmacy until notified by the Board in writing. The Board shall retain jurisdiction to
4 institute action to terminate probation for any violation of this term.

5 12. **Random Drug Screening.** Respondent, at his own expense, shall
6 participate in random testing, including but not limited to biological fluid testing (urine,
7 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
8 Testing shall be required for the entire probation period and the frequency of testing will be
9 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
10 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
11 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
12 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
13 in the immediate suspension of practice by Respondent. Upon such suspension, Respondent
14 may not resume the practice of pharmacy until notified by the Board in writing.

15 13. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
16 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
17 associated paraphernalia except when a drug is lawfully prescribed by a licensed practitioner
18 as part of a documented medical treatment. Upon request of the Board, Respondent shall
19 provide documentation from the licensed practitioner that the prescription was legitimately
20 issued and is a necessary part of the treatment of the Respondent.

21 14. **Ethics Counseling.** Within ninety (90) days of the effective date of
22 this decision, Respondent shall commence one-on-one ethics counseling with a mental health
23 practitioner or other counselor approved by the Board or its designee. Respondent shall then
24 complete an approved course up to twenty-five (25) hours of one-on-one counseling within
25 one (1) year from the effective date. All costs shall be borne by Respondent. Probation shall
26 be automatically extended until required hours of counseling are completed and written proof,
27 in a form acceptable to the Board, is provided to the Board. Failure to timely commence or
28 complete, or submit proof of completion, shall be considered a violation of probation.

1 15. Supervised Practice. Respondent shall practice only under supervision
2 of a pharmacist not on probation with the Board. Respondent shall not practice until the
3 supervisor is approved by the Board. Supervision shall be, as required by the Board, either:

4 Continuous - 75% to 100% of a work week

5 Substantial - At least 50% of a work week

6 Partial - At least 25% of a work week

7 Daily Review - Supervisor review of daily activities within 24 hours

8 Within thirty (30) days of the effective date of this decision, Respondent shall
9 have his supervisor submit notification to the Board in writing stating the supervisor has read
10 the decision in Case Number 2989 and is familiar with the level of supervision required.

11 If Respondent changes employment, Respondent shall have his new supervisor,
12 within fifteen (15) days after employment commences, submit notification to the Board in
13 writing stating the direct supervisor and pharmacist-in-charge have read the decision in Case
14 Number 2989 and are familiar with the level of supervision as determined by the Board.

15 16. **Notification of Employment/Mailing Address Change.** Respondent
16 shall notify the Board in writing within ten (10) days of any change of employment. Said
17 notification shall include the reasons for leaving and/or the address of the new employer,
18 supervisor or owner and work schedule if known. Respondent shall notify the Board in
19 writing within ten (10) days of a change in name, mailing address or phone number. Failure to
20 timely provide either notification to the Board shall be considered a violation of probation.

21 17. **Status of License.** Respondent shall, at all times while on probation,
22 maintain an active current license with the Board, including any period during which a period
23 of suspension or probation is tolled.

24 If Respondent's license expires or is cancelled by operation of law or otherwise,
25 upon renewal or reapplication Respondent's license shall be subject to all terms and conditions
26 of this probation not previously satisfied.

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1 18. License Surrender while on Probation/Suspension. Following the
2 effective date of this decision, should Respondent cease practice due to retirement or health, or
3 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
4 his license to the Board for surrender. The Board shall have the discretion whether to grant
5 the request for surrender or take any other action it deems appropriate and reasonable. Upon
6 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
7 terms and conditions of the probation set forth herein. Upon acceptance of the surrender,
8 Respondent shall relinquish his pocket license to the Board within ten (10) days of notification
9 by the Board that the surrender of the license is accepted.

10 Respondent may not reapply for any license from the Board for three (3) years
11 from the effective date of the surrender. Respondent shall meet all requirements applicable to
12 the license sought as of the date the application for that license is submitted to the Board.

13 19. Tolling of Probation. Except during his suspension, Respondent shall
14 work at least forty (40) hours as a pharmacist in each calendar month and at least an average
15 of eighty (80) hours per month in any six (6) consecutive months. Failure to do so will be
16 considered a violation of probation. If Respondent has not complied with this condition
17 during the probationary term, and Respondent has presented sufficient documentation of his
18 good faith efforts to comply with this condition, and if no other conditions have been violated,
19 the Board, in its discretion, may grant an extension of Respondent's probation period of up to
20 one (1) year without further hearing in order to comply with this condition.

21 Should Respondent, regardless of residency, for any reason cease practicing
22 pharmacy for a minimum of forty (40) hours per calendar month in California, Respondent
23 must notify the Board in writing within ten (10) days of cessation of the practice of pharmacy
24 or the resumption of the practice of pharmacy. Such periods of time shall not apply to the
25 reduction of the probation period. It is a violation of probation for Respondent's probation to
26 remain tolled pursuant to this term and condition for a period exceeding three (3) years.

27 "Cessation of practice" means any period of time exceeding thirty (30) days in
28 which Respondent is not engaged in the practice of pharmacy as defined in
Section 4052 of the Business and Professions Code.

1 20. Tolling of Suspension. If Respondent leaves California to reside or
 2 practice outside this state, for any period exceeding ten (10) days (including vacation), he must
 3 notify the Board in writing of the dates of departure and return. Any period(s) of residency or
 4 practice outside the state - or any absence exceeding a period of ten (10) days - shall not apply
 5 to reduction of the suspension period. Respondent shall not practice pharmacy upon returning
 6 to this state until notified by the Board that the period of suspension has been completed.


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

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

18 22. Completion of Probation. Upon successful completion of probation,
 19 Respondent's license will be fully restored.

20 ACCEPTANCE

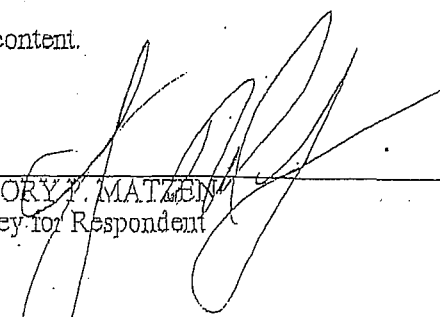
21 I have carefully read the above Stipulated Settlement and Disciplinary Order
 22 and have fully discussed it with my attorney, Gregory P. Matzen. I understand the stipulation
 23 and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement
 24 and Disciplinary Order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

26 DATED: 11-24-07
 27 
 28 ROBERT THOMAS HALL
 Respondent

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I have read and fully discussed with Respondent Robert Thomas Hall the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/5/07



GREGORY T. MATZEN
Attorney for Respondent

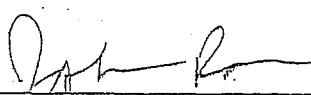
ENDORSEMENT

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

DATED: 11/29/07

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General



JOSHUA A. ROOM
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2006401249
40181420.wpd

Exhibit B

Accusation and Petition to Revoke Probation No. 3699

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

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

10 In the Matter of the Accusation and
11 Petition to Revoke Probation Against:

Case No. 3699

12 **ROBERT THOMAS HALL**
13 **3636 Trinity Street**
Eureka, California 95501

ACCUSATION AND PETITION TO
REVOKE PROBATION

14 **Pharmacist License No. RPH 32860**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation and Petition to Revoke
19 Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy,
20 Department of Consumer Affairs.

21 2. On or about August 7, 1979, the Board of Pharmacy issued Pharmacist License No.
22 RPH 32860 to Robert Thomas Hall (Respondent). The Pharmacist License was in effect at all
23 times relevant to the charges brought herein and will expire on October 31, 2010, unless renewed.

24 3. In a prior disciplinary action entitled "In the Matter of Accusation Against Robert
25 Thomas Hall," Case No. 2989, the Board of Pharmacy, issued a decision, effective February 13,
26 2008, in which Respondent's Pharmacist License was revoked. However, revocation was stayed
27 and the License was placed on probation for a period of five (5) years with certain terms and
28 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

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

5 5. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
7 Act [Health & Safety Code, § 11000 et seq.].

8 6. Section 4300(a) of the Code provides that every license issued by the Board may be
9 suspended or revoked.

10 7. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
11 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
12 disciplinary action during the period within which the license may be renewed, restored, reissued
13 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
14 renewed within three years following its expiration may not be renewed, restored, or reinstated
15 and shall be canceled by operation of law at the end of the three-year period.
16

STATUTORY PROVISIONS

17
18 8. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
19 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
20 not be limited to, any of the following:

21 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
22 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
23 whether the act is a felony or misdemeanor or not.

24 (g) Knowingly making or signing any certificate or other document that falsely represents
25 the existence or nonexistence of a state of facts.

26 (j) The violation of any of the statutes of this state, of any other state, or of the United
27 States regulating controlled substances and dangerous drugs.
28

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1 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by
4 the board or by any other state or federal regulatory agency.

5 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
6 drug or dangerous device except upon the prescription of an authorized prescriber.

7 10. Section 4060 of the Code, in pertinent part, prohibits possession of any controlled
8 substance, except that furnished upon the prescription of an authorized prescriber.

9 11. Section 4063 of the Code provides, in pertinent part, that no prescription for a
10 dangerous drug may be refilled except upon authorization of the prescriber.

11 12. Health and Safety Code section 11158 provides, in pertinent part, that except under
12 certain conditions, no controlled substance classified in Schedule III, IV, or V may be dispensed
13 without a prescription meeting the requirements of Health & Safety Code, § 11500 et seq.

14 13. Health and Safety Code section 11171 provides that no person shall prescribe,
15 administer, or furnish a controlled substance except under the conditions and in the manner
16 provided by the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

17 14. Health and Safety Code section 11173, subdivision (a), provides that no person shall
18 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
19 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
20 or subterfuge; or (2) by the concealment of a material fact.

21 15. Health and Safety Code section 11200, subdivision (b), provides that no prescription
22 for a Schedule III or IV controlled substance may be refilled more than five times and in an
23 amount, for all refills of that prescription taken together, exceeding a 120-day supply.

24 16. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
25 any narcotic drug listed in Schedules III-V, absent a valid prescription.

26 17. Health and Safety Code section 11352, in pertinent part, makes it unlawful to sell,
27 transport, furnish, administer, or give away, any controlled substance classified in Schedule III,
28 IV, or V which is a narcotic drug, unless upon written prescription of a authorized prescriber.

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

4
5 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

6 19. Section 4021 of the Code states:

7 “Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
8 11053) of Division 10 of the Health and Safety Code.”

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

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

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

14 ...

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

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

22 22. **Combivent** is a brand name for a compound of **albuterol** and **ipratropium**, and is a
23 dangerous drug as designated by Business and Professions Code section 4022. It is an inhalant
24 typically used to relax muscles in the airways and increase air flow to the lungs.

25 23. **Soma** is a brand name for **carisoprodol**, a dangerous drug as designated by Business
26 and Professions Code section 4022. It is a muscle relaxant.

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FACTUAL BACKGROUND

1
2 24. Between in or about March 2009 and June 2009, Respondent was employed as a
3 pharmacist at a Walgreens Pharmacy (PHY 45722) in Eureka, California.

4 25. On or about March 16, 2009, Respondent accessed the Walgreens computer system to
5 alter the directions and/or instructions for a prescription for **Norco** written for his wife. He added
6 an "as directed" direction/instruction, and added authorizations for five (5) refills where none had
7 been authorized by the prescription. The effect of these changes included that:

8 a. Whereas the prescription as written would have been filled for sixty (60) tablets of
9 **Norco** on only one occasion, it was actually filled at Walgreens on six (6) occasions, each time
10 for sixty (60) tablets, for a total number dispensed of 360 tablets: the dates of dispensing were
11 March 16, 2009, April 3, 2009, April 14, 2009, April 26, 2009, May 7, 2009, and May 18, 2009;

12 b. Whereas the prescription as written called for Respondent's wife to take up to two (2)
13 tablets per day, such that the number of tablets prescribed (60) was intended as a 30-day supply,
14 Respondent's alteration(s) made it possible to refill the prescription every 15 days, and to acquire
15 a total of 360 tablets, more than a 120-day supply according to the prescriber instructions;

16 c. Whereas the prescription as written would have resulted in only one fill and thus only
17 one claim to insurance or other payor, the prescription as filled resulted in six such fills/claims;

18 26. On each occasion that the altered prescription or unauthorized refills were furnished,
19 Respondent transported/delivered the **Norco** from the Walgreens Pharmacy to his wife.

20 27. On or about January 13, 2009, Respondent accessed the Walgreens computer system
21 to alter the directions and/or instructions for a prescription for **Combivent** written for his wife.
22 He added directions that enabled the prescription to be filled for two (2) (inhalant) vials per fill,
23 rather than the one (1) vial that had been prescribed, with the effect that the furnished quantity
24 was doubled, and the claim to insurance or other payor was also increased.

25 28. On or about June 25, 2009, Respondent signed a written statement for Walgreens in
26 which he admitted to altering his wife's prescription(s) and/or directions for use for **Soma**. On or
27 about December 2, 2009, Respondent signed a written statement for Board Inspector(s) in which
28 he said that this prior admission was false and denied any misconduct with regard to **Soma**.

1 FIRST CAUSE FOR DISCIPLINE

2 (Act(s) Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

3 29. Respondent is subject to discipline under section 4301(f) of the Code in that
4 Respondent, as described above in paragraphs 24 to 28 above, committed one or more acts
5 involving moral turpitude, dishonesty, fraud, deceit, or corruption.
6

7 SECOND CAUSE FOR DISCIPLINE

8 (Making or Signing False Documents(s))

9 30. Respondent is subject to discipline under section 4301(g) of the Code in that
10 Respondent, as described in paragraphs 24 to 28 above, made or signed document(s) falsely
11 representing the existence or nonexistence of a state of facts.
12

13 THIRD CAUSE FOR DISCIPLINE

14 (Unlawful Furnishing/Dispensing of Controlled Substances/Dangerous Drugs)

15 31. Respondent is subject to discipline under sections 4301(j) and/or (o) of the Code, in
16 that Respondent, as described in paragraphs 24 to 28 above, furnished/dispensed, attempted or
17 assisted or abetted furnishing/dispensing, or conspired to furnish/dispense, controlled substances
18 and/or dangerous drugs without valid prescriptions, in violation of section 4059 of the Code.
19

20 FOURTH CAUSE FOR DISCIPLINE

21 (Unlawful Possession and/or Transport of Controlled Substances/Dangerous Drugs)

22 32. Respondent is subject to discipline under sections 4301(j) and/or (o) of the Code in
23 that Respondent, as described in paragraphs 24 to 28 above, possessed/transported, attempted or
24 assisted or abetted possession/transport of, and/or conspired to possess/transport, without valid
25 prescriptions, controlled substances and/or dangerous drugs, in violation of section 4060 of the
26 Code and/or Health and Safety Code section(s) 11350 and/or 11352.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Unlawful Refills of Prescriptions)

3 33. Respondent is subject to discipline under sections 4301(j) and/or (o) of the Code, in
4 that Respondent, as described in paragraphs 24 to 28 above, furnished/dispensed to himself or to
5 others, attempted or assisted or abetted furnishing or dispensing of, or conspired to dispense or
6 furnish, without valid authorization(s), refill(s) of controlled substances and/or dangerous drugs,
7 in violation of section 4063 of the Code.

8
9 SIXTH CAUSE FOR DISCIPLINE

10 (Dispensing/Administering/Furnishing Pursuant to Invalid Prescription(s))

11 34. Respondent is subject to discipline under section 4301 (j) and/or (o) of the Code, in
12 that Respondent, as described in paragraphs 24 to 28 above, dispensed/administered/furnished,
13 attempted or assisted or abetted dispensing/administering/furnishing, or conspired to dispense/
14 administer/furnish, controlled substance prescriptions not meeting requirements of the Uniform
15 Controlled Substances Act, in violation of Health and Safety Code section(s) 11158 and/or 11171.

16
17 SEVENTH CAUSE FOR DISCIPLINE

18 (False or Fraudulent Procurement of Controlled Substance(s)/Prescription(s))

19 35. Respondent is subject to discipline under section 4301 (j) and/or (o) of the Code, in
20 that Respondent, as described in paragraphs 24 to 28 above, obtained/attempted to obtain and/or
21 assisted in or abetted and/or conspired to obtain controlled substances, procured/attempted to
22 procure, assisted in or abetted, and/or conspired to procure administration of or prescriptions for
23 controlled substances, by fraud, deceit, subterfuge misrepresentation, or concealment of fact, in
24 violation of Health and Safety Code section 11173, subdivision (a).

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1 EIGHTH CAUSE FOR DISCIPLINE

2 (Excessive Refill(s) of Controlled Substance(s)/Prescription(s))

3 36. Respondent is subject to discipline under section 4301 (j) and/or (o) of the Code, in
4 that Respondent, as described in paragraphs 24 to 28 above, refilled prescription(s) for Schedule
5 III or IV controlled substances more than five times or in excess of a 120-day supply, attempted
6 or assisted or abetted refilling such prescription(s) more than five times or in excess of a 120-day
7 supply, and/or conspired to refill such prescription(s) more than five times or in excess of a 120-
8 day supply, in violation of Health and Safety Code section 11200.

9
10 TENTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct)

12 37. Respondent is subject to disciplinary action under section 4301 of the Code in that
13 Respondent, by way of the conduct described in paragraphs 24-36 above, engaged in
14 “unprofessional conduct” not becoming the profession of pharmacy.

15
16
17 CAUSE TO REVOKE PROBATION

18 (Failure to Obey All Laws)

19 38. Respondent’s probation is subject to revocation pursuant to its terms and/or pursuant
20 to section 4300(d) of the Code and/or California Code of Regulations, title 16, section 1773(a)(1),
21 in that at all times after the effective date (February 13, 2008) of the Decision and Order imposing
22 probation on Respondent’s Pharmacist License, Term and Condition 1 of that Order required:

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

25 39. As described in paragraphs 24-36 above, Respondent failed to obey all laws.

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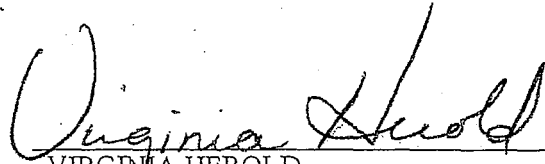
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1 PRAYER

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

- 4 1. Revoking or suspending Pharmacist License No. RPH 32860, issued to Robert
5 Thomas Hall (Respondent);
- 6 2. Revoking the probation granted in Case No. 2989 and imposing the disciplinary order
7 that was stayed, thereby revoking Pharmacist License No. RPH 32860, issued to Respondent;
- 8 3. Ordering Respondent to pay the Board the reasonable costs of the investigation and
9 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 10 4. Taking such other and further action as is deemed necessary and proper.

11
12 DATED: 7/1/10



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

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