

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

In the Matter of the Accusation Against:

Case No. 3704

TARA ANN PARKS
1660 Joshua Tree Lane
Fallbrook, CA 92028

Pharmacist License No. RPH 58965

Respondent.

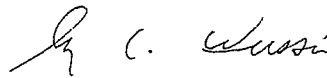
DECISION AND ORDER

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

This decision shall become effective on April 15, 2011.

It is so ORDERED on March 16, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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Attorney General of California
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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12 **In the Matter of the Accusation Against:**

13 **TARA ANN PARKS**
14 **1660 Joshua Tree Lane**
Fallbrook, CA 92028

15 **Pharmacist License No. RPH 58965**

16 Respondent.

Case No. 3704

OAH No. 2010070920

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 **PARTIES**

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

25 2. Respondent Tara Ann Parks (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 58965 issued to Respondent
3 Tara Ann Parks (Respondent) is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for five (5) years on the following terms and conditions.

5 1. **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 her
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 3704 and the terms, conditions and restrictions imposed
17 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 her 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 3704, and terms and conditions imposed
23 thereby. It shall be respondent's responsibility to ensure that her 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 her 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 3704 in advance
28

1 of the respondent commencing work at each licensed entity. A record of this notification must be
2 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 her direct supervisor with the pharmacy employment service to
6 report to the board in writing acknowledging that she has read the decision in case number 3704
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
8 that her 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 (\$3,621.00) and prosecution (\$2,057.50) in the total amount of
25 \$5,678.50. Respondent shall be permitted to pay these costs in a payment plan approved by the
26 Board, with payments to be completed no later than 3 months prior to the end of the probation
27 term.

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

4 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
5 reimburse the board its costs of investigation and prosecution.

6 **9. Probation Monitoring Costs**

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

11 **10. Status of License**

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

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

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

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

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

1 Respondent may not reapply for any license from the board for three (3) years from the effective
2 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
3 of the date the application for that license is submitted to the board, including any outstanding
4 costs.

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
6 **Employment**

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

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

14 **13. Tolling of Probation**

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

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

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

1 "Cessation of practice" means any calendar month during which respondent is
2 not practicing as a pharmacist for at least 40 hours, as defined by Business and
3 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
4 month during which respondent is practicing as a pharmacist for at least 40 hours as a
5 pharmacist as defined by Business and Professions Code section 4000 et seq.

6 **14. Violation of Probation**

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

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

19 **15. Completion of Probation**

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

22 **16. Pharmacists Recovery Program (PRP)**

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

28 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of

1 the effective date of this decision is no longer considered a self-referral under Business and
2 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
3 her current contract and any subsequent addendums with the PRP.

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

6 Probation shall be automatically extended until respondent successfully completes the PRP.

7 Any person terminated from the PRP program shall be automatically suspended by the board.

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

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

12 Respondent may not resume the practice of pharmacy until notified by 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 she 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 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
2 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
3 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

4 **17. Random Drug Screening**

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

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

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

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

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

9 **18. Abstain from Drugs and Alcohol Use**

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

21 **19. Prescription Coordination and Monitoring of Prescription Use**

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
24 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
25 history with the use of alcohol, controlled substances, and/or dangerous drugs, and who will
26 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
27 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of
28 the board's Accusation and decision. A record of this notification must be provided to the board

1 upon request. Respondent shall sign a release authorizing the practitioner to communicate with
2 the board about respondent's treatment(s). The coordinating physician, nurse practitioner,
3 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of
4 probation regarding respondent's compliance with this condition. If any substances considered
5 addictive have been prescribed, the report shall identify a program for the time limited use of any
6 such substances. The board may require that the single coordinating physician, nurse practitioner,
7 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in
8 addictive medicine. Should respondent, for any reason, cease supervision by the approved
9 practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing
10 treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or
11 psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
12 timely submit the selected practitioner or replacement practitioner to the board for approval, or to
13 ensure the required reporting thereby on the quarterly reports, shall be considered a violation of
14 probation.

15 If at any time an approved practitioner determines that respondent is unable to practice
16 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
17 telephone and follow up by written letter within three (3) working days. Upon notification from
18 the board or its designee of this determination, respondent shall be automatically suspended and
19 shall not resume practice until notified by the board that practice may be resumed.

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

28 During suspension, respondent shall not engage in any activity that requires the

1 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
2 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
3 designated representative for any entity licensed by the board.

4 Subject to the above restrictions, respondent may continue to own or hold an interest in any
5 licensed premises in which she holds an interest at the time this decision becomes effective unless
6 otherwise specified in this order.

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

8 **20. Supervised Practice**

9 During the period of probation, respondent shall practice only under the supervision of a
10 licensed pharmacist not on probation with the board. Upon and after the effective date of this
11 decision, respondent shall not practice pharmacy and her license shall be automatically suspended
12 until a supervisor is approved by the board or its designee. The supervision shall be, as required
13 by the board or its designee, either:

14 Continuous – At least 75% of a work week

15 Substantial - At least 50% of a work week

16 Partial - At least 25% of a work week

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

18 Within thirty (30) days of the effective date of this decision, respondent shall have her
19 supervisor submit notification to the board in writing stating that the supervisor has read the
20 decision in case number 3704 and is familiar with the required level of supervision as determined
21 by the board or its designee. It shall be the respondent's responsibility to ensure that her
22 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
23 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
24 acknowledgements to the board shall be considered a violation of probation.

25 If respondent changes employment, it shall be the respondent's responsibility to ensure that
26 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
27 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment
28 commences, submit notification to the board in writing stating the direct supervisor and

1 pharmacist-in-charge have read the decision in case number 3704 and is familiar with the level of
2 supervision as determined by the board. Respondent shall not practice pharmacy and her license
3 shall be automatically suspended until the board or its designee approves a new supervisor.
4 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
5 acknowledgements to the board shall be considered a violation of probation.

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

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

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

19 Subject to the above restrictions, respondent may continue to own or hold an interest in any
20 licensed premises in which she holds an interest at the time this decision becomes effective unless
21 otherwise specified in this order.

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

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

24 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
25 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
26 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
27 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
28 days following the effective date of this decision and shall immediately thereafter provide written

1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 **22. Ethics Course**

4 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
5 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
6 Failure to initiate the course during the first year of probation, and complete it within the second
7 year of probation, is a violation of probation.

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

10 **ACCEPTANCE**

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

15
16 DATED:

12/28/10

Tara Ann Parks

TARA ANN PARKS
Respondent

18 **ENDORSEMENT**

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

21 Dated: 12/30/10

Respectfully Submitted,

22 EDMUND G. BROWN JR.
23 Attorney General of California
24 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

25 Nicole R. Cook

26 NICOLE R. COOK
27 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 3704

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
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9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 Case No. 3704

12 In the Matter of the Accusation Against:
13 TARA ANN PARKS
a.k.a. TARA GABRIELE, TARA PLEVINSKI
14 1849 Chapulin Lane
Fallbrook, CA 92028
15
16 Pharmacist License No. RPH 58965
17 Respondent.

A C C U S A T I O N

18
19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
24 2. On or about October 16, 2006, the Board of Pharmacy issued Pharmacist License
25 Number RPH 58965 to Tara Ann Parks, also known as Tara Ann Gabriele and Tara Ann
26 Plevinski (Respondent). The Pharmacist License was in full force and effect at all times relevant
27 to the charges brought herein and will expire on October 31, 2010, unless renewed.

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JURISDICTION

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

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

5. Section 4300, subdivision (a) of the Code states in pertinent part, "every license issued may be suspended or revoked."

STATUTORY PROVISIONS

6. Section 482 of the Code states:

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

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

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

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

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and

1 duties of the licensee in question, the record of conviction of the crime shall be
2 conclusive evidence of the fact that the conviction occurred, but only of that fact,
3 and the board may inquire into the circumstances surrounding the commission of
4 the crime in order to fix the degree of discipline or to determine if the conviction is
5 substantially related to the qualifications, functions, and duties of the licensee in
6 question.

7 As used in this section, "license" includes "certificate," "permit,"
8 "authority," and "registration."

9 9. Section 4059 of the Code provides in part that a person may not furnish any
10 dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist,
11 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
12 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
13 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

14 10. Section 4060 of the Code states:

15 No person shall possess any controlled substance, except that furnished to a
16 person upon the prescription of a physician, dentist, podiatrist, optometrist,
17 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
18 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
19 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
20 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
21 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
22 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This
23 section shall not apply to the possession of any controlled substance by a
24 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
25 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
26 practitioner, or physician assistant, when in stock in containers correctly labeled
27 with the name and address of the supplier or producer.

28 Nothing in this section authorizes a certified nurse-midwife, a nurse
practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
stock of dangerous drugs and devices.

11. 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:

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

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

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

12 (l) The conviction of a crime substantially related to the qualifications,
13 functions, and duties of a licensee under this chapter. The record of conviction of
14 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
15 States Code regulating controlled substances or of a violation of the statutes of this
16 state regulating controlled substances or dangerous drugs shall be conclusive
17 evidence of unprofessional conduct. In all other cases, the record of conviction
18 shall be conclusive evidence only of the fact that the conviction occurred. The
19 board may inquire into the circumstances surrounding the commission of the
20 crime, in order to fix the degree of discipline or, in the case of a conviction not
21 involving controlled substances or dangerous drugs, to determine if the conviction
22 is of an offense substantially related to the qualifications, functions, and duties of a
23 licensee under this chapter. A plea or verdict of guilty or a conviction following a
24 plea of nolo contendere is deemed to be a conviction within the meaning of this
25 provision. The board may take action when the time for appeal has elapsed, or the
26 judgment of conviction has been affirmed on appeal or when an order granting
27 probation is made suspending the imposition of sentence, irrespective of a
28 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 guilty, or setting aside
the verdict of guilty, or dismissing the accusation, information, or indictment.

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

1 COST RECOVERY

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

6 DRUG

7 18. Hydrocodone bitartate/acetaminophen, also known by the brand names Vicodin,
8 Norco, Zydone, Maxidone, Lortab, Lorcet, Hydrocet, Co-Gesic, and Anexsia, is a narcotic
9 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4),
10 and is a dangerous drug pursuant to Business and Professions Code section 4022. Hydrocodone
11 is used as a narcotic analgesic in the relief of pain.

12 FIRST CAUSE FOR DISCIPLINE

13 (March 30, 2009 Convictions for Theft)

14 19. Respondent is subject to disciplinary action under sections 490 and 4301(l) in that she
15 was convicted of crimes that are substantially related to the qualifications, duties, and functions of
16 a pharmacist. The circumstances are as follows:

17 a. On or about March 30, 2009, in a criminal proceeding entitled *People of the*
18 *State of California vs. Tara Gabriele*, in San Diego Superior Court case number CN259625,
19 Respondent was convicted on her plea of guilty of two counts of Penal Code section 484, petty
20 theft, one between January 23, 2009 and January 25, 2009 and the second between February 6,
21 2009 and February 8, 2009. The facts that led to the convictions are as follows:

22 b. Respondent was employed part-time as a pharmacist at Walgreens located in
23 Fallbrook, California, working every other weekend on Fridays, Saturdays, and Sunday. The
24 Walgreens' Pharmacist-in-Charge (PIC) was responsible for performing periodic counts of
25 narcotics, especially the "most prescribed narcotic prescriptions." When the PIC found
26 discrepancies in the hydrocodone generic drugs, an internal investigation was conducted with
27 Loss Prevention. The PIC and the Loss Prevention Supervisor determined that the discrepancies
28 occurred during Respondent's shifts. The PIC then performed regular controlled substance

1 inventory accounts on the Friday before Respondent's shift and on the Monday following
2 Respondent's shifts and discovered several discrepancies among various strengths of
3 hydrocodone pills.

4 c. After learning that Respondent was diverting the drugs, the Pharmacy
5 Supervisor and the Loss Prevention Supervisor met with Respondent on March 20, 2009.
6 Respondent admitted that she had taken 240 pills of hydrocodone and approximately 50 pills of
7 Soma over the past couple of months during her employment at Walgreens. Respondent
8 confessed that she took the pills because she was depressed. Respondent also submitted a written
9 statement to the Loss Prevention Supervisor wherein she admitted that she took hydrocodone and
10 Soma which was not prescribed to her. Respondent was terminated from her employment and the
11 incident was reported to the San Diego County Sheriff's Department, who responded to
12 Walgreens the same day. Respondent voluntarily admitted to a sheriff that she began stealing the
13 hydrocodone medication for her own satisfaction over the previous two months. When asked if
14 she knew exactly how many times she had taken the drugs, Respondent stated "at least eight
15 times." Respondent also stated that she had a medical doctor's prescription for hydrocodone for
16 back problems but that the amount the doctor prescribed for her was not enough to satisfy her,
17 thus she began stealing it from Walgreens. Respondent admitted that she would normally put the
18 pills into her coat pocket as a means of transporting them out of the store. Respondent was
19 arrested for burglary and theft.

20 d. As a result of her conviction, on or about March 30, 2009, Respondent was
21 sentenced to 3 summary years probation, ordered to pay all fines and fees, required to enroll and
22 complete an outpatient treatment program, ordered to stay away from all Walgreens and
23 sentenced to 1 day in custody with credit for time served.

24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct – Dishonesty and Deceit)

26 20. Respondent is subject to disciplinary action for unprofessional conduct under section
27 4301(f) of the Code in that Respondent's theft constitutes dishonesty and deceit, as is detailed in
28 paragraph 19, incorporated herein by reference.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Self-Administration of a Controlled Substance)

3 21. Respondent is subject to disciplinary action for unprofessional conduct under section
4 4301(h) of the Code in that she illegally administered a controlled substance to herself, as is set
5 forth in paragraph 19, incorporated herein by reference.

6 FOURTH CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct – Violating Laws Regulating Controlled Substances)

8 22. Respondent is subject to disciplinary action for unprofessional conduct under section
9 4301(j) of the Code in that she violated California Health and Safety Code sections 11173(a),
10 11170, and 11350(a), as is set forth in paragraph 19, incorporated herein by reference.

11 FIFTH CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Violation of Chapter)

13 23. Respondent is subject to disciplinary action for unprofessional conduct under section
14 4301(o) of the Code in that she violated the Pharmacy Act by furnishing a dangerous drug to
15 herself in violation of Code section 4059 and illegally possessing a controlled substance in
16 violation of Code section 4060, as evidenced by her admissions as is set forth in paragraph 19
17 above, incorporated herein by reference.

18 PRAYER

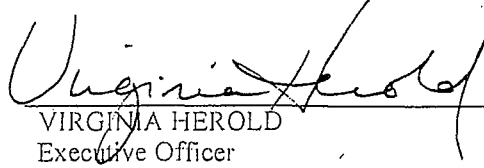
19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Pharmacy issue a decision:

- 21 1. Revoking or suspending Pharmacist License Number RPH 58965, issued to Tara Ann
22 Parks.
- 23 2. Ordering Tara Ann Parks to pay the Board of Pharmacy the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;
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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/17/10



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

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