

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

In the Matter of Accusation Against:

Case No. 3710

KERRY JOEL EASTLAND

11050 Francisco Place
Riverside, CA 92505

Pharmacist License No. RPH 61785

Respondent.

DECISION AND ORDER

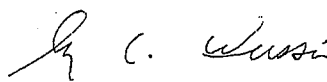
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 11, 2011.

It is so ORDERED on April 11, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

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

11 In the Matter of the Accusation Against:

Case No. 3710

12 **KERRY JOEL EASTLAND**
13 **11050 Francisco Place**
14 **Riverside, CA 92505**

OAH No. 2010071331

15 **STIPULATED SETTLEMENT AND**
16 **DISCIPLINARY ORDER**

17 **Pharmacist License No. RPH 61785**

18 Respondent.

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

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney
25 General.

26 2. Respondent Kerry Joel Eastland (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.
28

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

4 CONTINGENCY

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

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

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

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

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 61785 issued to Respondent
3 Kerry Joel Eastland (Respondent) is revoked. However, the revocation is stayed and Respondent
4 is placed on probation for four (4) years on the following terms and conditions.

5 1. **Suspension**

6 As part of probation, Respondent is suspended from the practice of pharmacy for sixty (60)
7 days beginning the effective date of this decision. Upon provision of documentation by
8 Respondent showing to the satisfaction of the board or its designee that at any time since October
9 22, 2009, Respondent has not worked as a pharmacist because he was (a) resident in an in-patient
10 treatment program for alcohol and/or drug abuse, or (b) suspended or otherwise prohibited from
11 working as a pharmacist at the direction of the Pharmacists Recovery Program, Respondent may
12 receive credit against this suspension period for such documented period(s) of non-work.

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 devices or controlled substances.

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

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

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

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2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

3. Report to the Board

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

4. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 **5. Cooperate with Board Staff**

4 Respondent shall cooperate with the board's inspection program and with the board's
5 monitoring and investigation of Respondent's compliance with the terms and conditions of his
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **6. Continuing Education**

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

10 **7. Notice to Employers**

11 During the period of probation, Respondent shall notify all present and prospective
12 employers of the decision in case number 3710 and the terms, conditions and restrictions imposed
13 on Respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
15 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
16 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
17 tenure of employment) and owner to report to the board in writing acknowledging that the listed
18 individual(s) has/have read the decision in case number 3710, and terms and conditions imposed
19 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
20 supervisor(s) submit timely acknowledgment(s) to the board.

21 If Respondent works for or is employed by or through a pharmacy employment service,
22 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
23 licensed by the board of the terms and conditions of the decision in case number 3710 in advance
24 of the Respondent commencing work at each licensed entity. A record of this notification must
25 be provided to the board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
27 (15) days of Respondent undertaking any new employment by or through a pharmacy
28 employment service, Respondent shall cause his direct supervisor with the pharmacy employment

1 service to report to the board in writing acknowledging that he has read the decision in case
2 number 3710 and the terms and conditions imposed thereby. It shall be Respondent's
3 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
4 acknowledgment(s) to the board.

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

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

12 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
13 **Designated Representative-in-Charge, or Serving as a Consultant**

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

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the
20 board its costs of investigation and prosecution in the total amount of \$2992.50. Respondent shall
21 be permitted to pay these costs in a payment plan approved by the Board, with payments to be
22 completed no later than 3 months prior to the end of the probation term.

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

26 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
27 reimburse the board its costs of investigation and prosecution.

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1 **10. Probation Monitoring Costs**

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

6 **11. Status of License**

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

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

14 **12. License Surrender While on Probation/Suspension**

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

22 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license
23 to the board within ten (10) days of notification by the board that the surrender is accepted.
24 Respondent may not reapply for any license from the board for three (3) years from the effective
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
26 of the date the application for that license is submitted to the board, including any outstanding
27 costs.

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1 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

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

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

10 **14. Tolling of Probation**

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

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

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

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

3 **15. Violation of Probation**

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

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

16 **16. Completion of Probation**

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

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

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

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

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

3 Probation shall be automatically extended until Respondent successfully completes the
4 PRP. Any person terminated from the PRP program shall be automatically suspended by the
5 board. Respondent may not resume the practice of pharmacy until notified by the board in
6 writing.

7 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
8 licensed practitioner as part of a documented medical treatment shall result in the automatic
9 suspension of practice by Respondent and shall be considered a violation of probation.
10 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

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

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

27 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
28 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid

1 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

2 **18. Random Drug Screening**

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

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

27 During suspension, Respondent shall not engage in any activity that requires the
28 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the

1 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
2 designated representative for any entity licensed by the board.

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

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

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

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

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

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

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

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

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

26 During suspension, Respondent shall not engage in any activity that requires the
27 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
28 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a

1 designated representative for any entity licensed by the board.

2 Subject to the above restrictions, Respondent may continue to own or hold an interest in
3 any licensed premises in which he holds an interest at the time this decision becomes effective
4 unless otherwise specified in this order.

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

6 **21. Supervised Practice**

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

12 Continuous – At least 75% of a work week

13 Substantial - At least 50% of a work week

14 Partial - At least 25% of a work week

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

16 Within thirty (30) days of the effective date of this decision, Respondent shall have his
17 supervisor submit notification to the board in writing stating that the supervisor has read the
18 decision in case number 3710 and is familiar with the required level of supervision as determined
19 by the board or its designee. It shall be the Respondent's responsibility to ensure that his
20 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
21 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
22 acknowledgements to the board shall be considered a violation of probation.

23 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
24 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
25 acknowledgement(s) to the board. Respondent shall have his new supervisor, within fifteen (15)
26 days after employment commences, submit notification to the board in writing stating the direct
27 supervisor and pharmacist-in-charge have read the decision in case number 3710 and is familiar
28 with the level of supervision as determined by the board. Respondent shall not practice pharmacy

1 and his license shall be automatically suspended until the board or its designee approves a new
2 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
3 acknowledgements to the board shall be considered a violation of probation.

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

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

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

17 Subject to the above restrictions, Respondent may continue to own or hold an interest in
18 any licensed premises in which he holds an interest at the time this decision becomes effective
19 unless otherwise specified in this order.

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

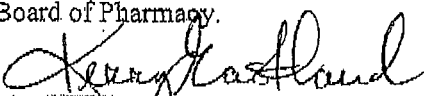
21 **22. No Ownership of Licensed Premises**

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

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ACCEPTANCE

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

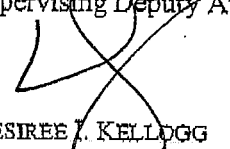
DATED: 2/4/11 
KERRY JOEL EASTLAND
Respondent

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: February 4, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


DESIREE J. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3710

1 EDMUND G. BROWN JR.
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2 LINDA K. SCHNEIDER
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3710

12 **KERRY JOEL EASTLAND**
13 **11050 Francisco Place**
14 **Riverside, CA 92505**

A C C U S A T I O N

15 **Pharmacist License No. RPH 61785**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about October 15, 2008, the Board of Pharmacy issued Pharmacist License
23 Number RPH 61785 to Kerry Joel Eastland (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2012, unless renewed.
26
27
28

1 unprofessional conduct or whose license has been procured by fraud or
2 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
3 not limited to, any of the following:

4

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

10

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

13

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

19 COST RECOVERY

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

24 DRUG

25 10. Marijuana is a schedule I controlled substance as designated by Health and Safety
26 Code section 11054(d)(13), and is a dangerous drug pursuant to Business and Professions Code
27 section 4022.

28 FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Use of a Controlled Substance)

11. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
he used a controlled substance, Marijuana while performing his functions as a pharmacist and
otherwise. The circumstances are that on or about August 26, 2009, Respondent was
administered a random drug test at his place of employment and failed that test which revealed
positive results for Marijuana. The drug test indicated an initial test level of 50 ng/ml for

1 Marijuana and a confirmation level of 15 ng/ml. Respondent subsequently admitted to smoking
2 Marijuana on a daily basis approximately from October 2008 through October 22, 2009.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct-Violations of the Chapter)**

5 12. Respondent is subject to disciplinary action under section 4301(o) of the Code for
6 violation of the Pharmacy Act in that in or about October 2008 through October 22, 2009,
7 Respondent furnished to himself and possessed a controlled substance, Marijuana, in violation of
8 Code sections 4059 and 4060, as is more fully described in paragraph 14, above.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct-Violating Laws Regulating Controlled Substances)**

11 13. Respondent is subject to disciplinary action under section 4301(j) of the Code in that
12 on or about October 2008 through October 22, 2009, Respondent violated the California Uniform
13 Controlled Substances Act (Health and Safety Code Sections 11000, et. seq.) as is more fully
14 described in paragraph 14, above.

15 **PRAYER**

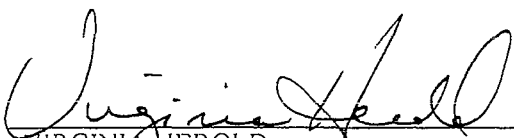
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Pharmacy issue a decision:

- 18 1. Revoking or suspending Pharmacist License Number RPH 61785, issued to Kerry
19 Joel Eastland;
- 20 2. Ordering Kerry Joel Eastland to pay the Board of Pharmacy the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3;

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

DATED: 7/2/10



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

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