

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

In the Matter of the Petition to Revoke Probation
Against:

Case No. 3736

VALERIE REYES GAURANO

2683 Via de la Valle, G115

Del Mar, CA 92014

Pharmacist License No. RPH 38852

Respondent.

DECISION AND ORDER

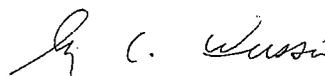
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

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

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MARICHELLE S. TAHIMIC
Deputy Attorney General
4 State Bar No. 147392
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
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Attorneys for Complainant

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

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

Case No. 3736

13 **VALERIE REYES GAURANO**
2683 Via de la Valle, G115
14 Del Mar, CA 92014

OAH No. 2010080863

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Original Pharmacist License No. RPH 38852**

16 Respondent.

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

23 **PARTIES**

24 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
25 She brought this action solely in her official capacity and is represented in this matter by Kamala
26 D. Harris, Attorney General of the State of California, by Marichelle S. Tahimic, Deputy
27 Attorney General.
28

DISCIPLINARY ORDER

1
2 In its prior disciplinary action titled "In the Matter of the Accusation Against Residential
3 Care Home for You, Inc. dba Home Care Pharmacy, Valerie Gaurano, PIC at Home Care
4 Pharmacy and Anne R. Cabrera, PIC at Home Care Pharmacy, Board of Pharmacy Case No.
5 2959, the Board's prior Decision and Order, effective February 21, 2007, revoked Valerie
6 Gaurano's Original Pharmacist License No. RPH 38852, however the revocation was stayed and
7 Respondent was placed on probation for two (2) years with certain terms and conditions. If
8 Respondent Gaurano had been compliant therewith, that probation would have terminated on or
9 about February 21, 2009. That term of probation is now to be extended for two (2) years from the
10 new effective date of this Decision and Order. The original termination date is now to be
11 replaced by a date two (2) years from the effective date of this Decision and Order. The original
12 terms and conditions of probation are to be replaced by the terms and conditions stated in the
13 following.

14 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 38852 issued to
15 Respondent Valerie Reyes Gaurano is revoked. However, the revocation is stayed and
16 Respondent is placed on probation for two (2) years on the following terms and conditions.

17 1. **Obey All Laws**

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

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

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

1 or the manufacturing, obtaining, handling, distributing, billing, or charging for any
2 drug, device or controlled substance.

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

4 **2. Report to the Board**

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

13 **3. Interview with the Board**

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

19 **4. Cooperate with Board Staff**

20 Respondent shall cooperate with the board's inspection program and with the board's
21 monitoring and investigation of respondent's compliance with the terms and conditions of her
22 probation. Failure to cooperate shall be considered a violation of probation.

23 **5. Continuing Education**

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

26 **6. Notice to Employers**

27 Respondent shall notify all present and prospective employers of the decision in case
28 number 3736 and the terms, conditions and restrictions imposed on respondent by the decision.

1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 respondent undertaking any new employment, respondent shall cause her direct supervisor,
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
4 tenure of employment) and owner to report to the board in writing acknowledging that the listed
5 individual(s) has/have read the decision in case number 3736, and terms and conditions imposed
6 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)
7 submit timely acknowledgment(s) to the board.

8 If respondent works for or is employed by or through a pharmacy employment service,
9 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
10 licensed by the board of the terms and conditions of the decision in case number 3736 in advance
11 of the respondent commencing work at each licensed entity. A record of this notification must be
12 provided to the board upon request.

13 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
14 (15) days of respondent undertaking any new employment by or through a pharmacy employment
15 service, respondent shall cause her direct supervisor with the pharmacy employment service to
16 report to the board in writing acknowledging that she has read the decision in case number 3736
17 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
18 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

8. **Probation Monitoring Costs**

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

9. **Status of License**

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

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

10. **License Surrender While on Probation/Suspension**

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

1 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to
2 the board within ten (10) days of notification by the board that the surrender is accepted.
3 Respondent may not reapply for any license from the board for three (3) years from the effective
4 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
5 of the date the application for that license is submitted to the board, including any outstanding
6 costs.

7 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
8 **Employment**

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

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

16 **12. Tolling of Probation**

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

23 Should respondent, regardless of residency, for any reason (including vacation) cease
24 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
25 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
26 must further notify the board in writing within ten (10) days of the resumption of practice. Any
27 failure to provide such notification(s) shall be considered a violation of probation.
28

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

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

9 13. Violation of Probation

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

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

22 14. Completion of Probation

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

25 15. Community Services Program

26 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
27 board or its designee, for prior approval, a community service program in which respondent shall
28 provide free health-care related services on a regular basis to a community or charitable facility or

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1 agency for a total of 30 hours during the period of probation. Within thirty (30) days of board
 2 approval thereof, respondent shall submit documentation to the board demonstrating
 3 commencement of the community service program. A record of this notification must be
 4 provided to the board upon request. Respondent shall report on progress with the community
 5 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
 6 program shall be considered a violation of probation.

7 **16. No Ownership of Licensed Premises**

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

15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 17 discussed it with my attorney, Russell M. Mortyn, Esq. I understand the stipulation and the
 18 effect it will have on my Original Pharmacist License. I enter into this Stipulated Settlement and
 19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
 20 Decision and Order of the Board of Pharmacy.

21
 22 DATED: 1/24/2011

Valerie Reyes Gaurano
 VALERIE REYES GAURANO
 Respondent

24 I have read and fully discussed with Respondent Valerie Reyes Gaurano the terms and
 25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
 26 I approve its form and content.

27 DATED: 1/25/11

Russell M. Mortyn
 Russell M. Mortyn, Esq.
 Attorney for Respondent

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ENDORSEMENT

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

Dated: January ²⁵~~7~~, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

Marichelle Jalovic
MARICHELE S. TAHIMIC
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 3736

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

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

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

Case No. 3736

13 **VALERIE GAURANO**
14 **2683 Via De La Valle G115**
Del Mar, California 92014

PETITION TO REVOKE PROBATION

15 **Pharmacist License No. RPH 38852**

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

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

22 2. On or about August 23, 1984, the Board of Pharmacy issued Original Pharmacist
23 License Number RPH 38852 to Valerie Gaurano (Respondent). The License was in effect at all
24 times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

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1 3. In a disciplinary action entitled "In the Matter of the Accusation Against Valerie Gaurano,"
2 Case No. 2959, the Board of Pharmacy issued a decision, effective February 21, 2007, revoking
3 Respondent's Original Pharmacist License. Revocation was stayed and Respondent
4 was put on probation for a period of two (2) years with certain terms and conditions. A copy of
5 that decision is attached as exhibit A and is incorporated by reference.

6 7 JURISDICTION

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

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

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

16 FACTUAL BACKGROUND

17 7. Effective February 21, 2007, pursuant to a Proposed Decision and Order adopted by
18 the Board in prior Case No. 2959, Respondent's Pharmacist License No. RPH 38852, was
19 revoked. Revocation was stayed, and the License was placed on probation for a period of two (2)
20 years, subject to Terms and Conditions (T&Cs) numbering 1 to 17, including the requirement that
21 Respondent continue to practice pharmacy for a minimum of 40 hours per calendar month in
22 California and, if probation is tolled, to remain tolled for a period not exceeding three years.

23 24 FIRST CAUSE TO REVOKE PROBATION

25 **(Failure to Maintain 40 Hours Monthly Employment as a Pharmacist)**

26 8. At all times after the effective date (February 23, 2007) of the Decision and Order
27 imposing probation on Respondent's License, Term and Condition 14 of that Order required in
28 pertinent part:

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14. Tolling of probation. Should Respondent, regardless of residency, for any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in California, Respondent must notify the Board in writing within 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years.

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

9. Respondent's probation is subject to revocation because she failed to comply with Term and Condition 14 of that probation, referenced above. Respondent failed to secure employment as a pharmacist at any point following the effective date of February 21, 2007.

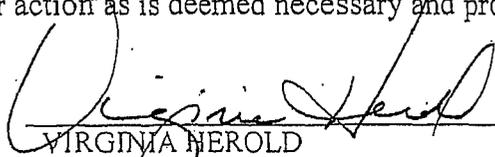
PRAYER

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2959 and imposing the disciplinary order that was stayed, thereby revoking California Pharmacist License No. RPH 38852, issued to Valerie Gaurano (Respondent);

2. Taking such other and further action as is deemed necessary and proper.

DATED: 7/14/10


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

SF

Exhibit A

Decision and Order

Board of Pharmacy Case No. 2959

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

In the Matter of the Accusation Against:

RESIDENTIAL CARE HOME FOR YOU,
INC. d.b.a. HOME CARE PHARMACY,
Luis Gaurano, president and Valerie Gaurano,
vice president and owners

Original Pharmacy Permit No. PHY 45192

VALERIE Gaurano,
2051 Kristi Court
Fallbrook, CA 92028

Original Pharmacist License No. RPH 38852

Respondent.

Accusation No. 2959

Citation No. CT 2005-30007

OAH No. L-2006070547

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Valerie Gaurano is hereby adopted by the Board, as its Decision in this matter.

This Decision shall become effective on February 21, 2007.

It is so ORDERED January 22, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS

Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO
Supervising Deputy Attorney General
3 JAMES M. LEDAKIS, State Bar No. 132645
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2105
Facsimile: (619) 645-2061
8

9 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **RESIDENTIAL CARE HOME FOR YOU,**
INC. d.b.a. HOME CARE PHARMACY, Luis
14 Gaurano, president and Valerie Gaurano, vice
president and owners

15 Original Pharmacy Permit No. PHY 45192

16 **VALERIE GAURANO,**
17 2051 Kristi Court
Fallbrook, CA 92028

18 Original Pharmacist License No. RPH 38852
19

20 In the Matter of the Citation Against:

21 **RESIDENTIAL CARE HOME FOR YOU,**
INC. d.b.a. HOME CARE PHARMACY, Luis
22 Gaurano, president and Valerie Gaurano, vice
president and owners

23 Original Pharmacy Permit No. PHY 45192
24

25 Respondent.

Accusation Case No. 2959

Citation Case CI No. 2005-30007

OAH No. L-2006070547

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR
VALERIE GAURANO**

26 IT IS HEREBY STIPULATED AND AGREED by and between the par

27 above-entitled proceedings that the following matters are true:
28

CHIEF OF BUREAU OF PHARMACY
REGULATORY OFFICE
AIRBORNE SERVICE

DATE:

DE THE STATE OF CALIFORNIA
CORRECTED COMMISSIONER OF THE BOARD OF
PHARMACY THESE DOCUMENTS HAVE BEEN FILED
IN THE RECORDS OF THE BOARD OF PHARMACY
OF THE STATE OF CALIFORNIA
DATE OF FILING

1 PARTIES

2 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
3 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
4 by Bill Lockyer, Attorney General of the State of California, by James M. Ledakis, Deputy
5 Attorney General.

6 2. Respondent Valerie Gaurano is represented in this proceeding by attorney
7 Timothy Rutherford, whose address is 2368 Second Avenue, Suite 1011 San Diego, CA 92101.

8 3. On or about April 25, 2001, the Board of Pharmacy issued Pharmacy
9 Permit No. PHY 45192 to RESIDENTIAL CARE HOME FOR YOU, INC. dba HOME CARE
10 PHARMACY. The Permit was in full force and effect at all times relevant to the charges
11 brought in Accusation No. 2959 and will expires on April 1, 2007, unless renewed.

12 4. On or about August 23, 1984, the Board of Pharmacy issued Pharmacist
13 License No. RPH 38852 to Valerie Gaurano. The License was in full force and effect at all times
14 relevant to the charges brought in Accusation No. 2959 and will expire on April 30, 2008, unless
15 renewed.

16 JURISDICTION

17 5. Accusation No. 2959 was filed before the Board, and is currently pending
18 against Valerie Gaurano. The Accusation and all other statutorily required documents were
19 properly served on Respondent on April 18, 2006. Respondent timely filed its Notice of Defense
20 contesting the Accusation. A copy of Accusation No. 2959 is attached as exhibit A and
21 incorporated herein by reference. Citation No. CT 2005-30007 was filed by the Board and is
22 currently pending against Valerie Gaurano and Home Care Pharmacy.

23 ADVISEMENT AND WAIVERS

24 6. Respondent has carefully read, fully discussed with counsel, and
25 understands the charges and allegations in Accusation No. 2959 and Citation No. CT 2005-
26 30007. Respondent has also carefully read, fully discussed with counsel, and understands the
27 effects of this Stipulated Settlement and Disciplinary Order. This stipulation constitutes a full
28 and final resolution of all matters against Respondents herein.

1 force and effect as the originals.

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

5 DISCIPLINARY ORDER

6 IT IS HEREBY ORDERED that Valerie Gaurano's Original Pharmacist License
7 No. RPH 38852 is revoked, however, the revocation is stayed and the Respondent is placed on
8 two (2) years probation on the following terms and conditions.

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

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

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

23 2. Reporting to the Board. Respondent shall report to the Board
24 quarterly. The report shall be made either in person or in writing, as directed. Respondent
25 shall state under penalty of perjury whether there has been compliance with all the terms and
26 conditions of probation. If the final probation report is not made as directed, probation shall
27 be extended automatically until such time as the final report is made and accepted by the
28 Board.

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

5 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
6 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
7 compliance with the terms and conditions of their probation. Failure to comply shall be
8 considered a violation of probation.

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

11 6. **Notice to Employers.** Respondent shall notify all present and
12 prospective employers of the decision in case number 2959 and the terms, conditions and
13 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
14 this decision, and within 15 days of Respondent undertaking new employment, Respondent
15 shall cause their direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
16 writing acknowledging the employer has read the decision in case number 2959.

17 If Respondent works for or is employed by or through a pharmacy employment
18 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
19 every pharmacy of the and terms conditions of the decision in case number 2959 in advance of
20 the Respondent commencing work at each pharmacy.

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

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

1 8. **Reimbursement of Board Costs.** None

2 9. **Payment of Fines.** Valerie Gaurano shall pay a fine of \$50,000.00 in
3 order to resolve the current outstanding Citation CI 2005 30007 as part of this global
4 stipulated settlement. Respondent shall pay the Board the \$25,000.00 on or before December
5 12, 2007 and \$25,000.00 on or before December 12, 2008. Failure to timely pay the fine shall
6 constitute a violation of probation.

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

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

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

17 12. **License Surrender while on Probation/Suspension.** Following the
18 effective date of this decision, should Respondent cease practice due to retirement or health,
19 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may
20 tender their license to the Board for surrender. The Board shall have the discretion whether to
21 grant the request for surrender or take any other action it deems appropriate and reasonable.
22 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
23 to the terms and conditions of probation.

24 Upon acceptance of the surrender, Respondent shall relinquish their pocket
25 license to the Board within 10 days of notification by the Board that the surrender is accepted.
26 Respondent may not reapply for any license from the Board for three years from the effective
27 date of the surrender. Respondent shall meet all requirements applicable to the license sought
28 as of the date the application for that license is submitted to the Board.

1 13. **Notification of Employment/Mailing Address Change.** Respondent
2 shall notify the Board in writing within 10 days of any change of employment. Said
3 notification shall include the reasons for leaving and/or the address of the new employer,
4 supervisor or owner and work schedule if known. Respondent shall notify the Board in
5 writing within 10 days of a change in name, mailing address or phone number.

6 14. **Tolling of Probation.** Should Respondent, regardless of residency, for
7 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
8 California, Respondent must notify the Board in writing within 10 days of cessation of the
9 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
10 shall not apply to the reduction of the probation period. It is a violation of probation for
11 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
12 period exceeding three years.

13 "Cessation of practice" means any period of time exceeding 30 days in which
14 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the
15 Business and Professions Code.

16 15. **Violation of Probation.** If Respondent violates probation in any
17 respect, the Board, after giving Respondent notice and an opportunity to be heard, may
18 revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke
19 probation or an accusation is filed against Respondent during probation, the Board shall have
20 continuing jurisdiction and the period of probation shall be extended, until the petition to
21 revoke probation or accusation is heard and decided.

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

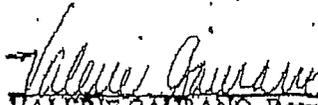
27 16. **Completion of Probation.** Upon successful completion of probation,
28 Respondent's license will be fully restored.

1 17. No Ownership of Premises, Respondent shall not own, have any legal
2 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
3 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
4 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
5 entity licensed by the Board within 90 days following the effective date of this decision and
6 shall immediately thereafter provide written proof thereof to the Board.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order
9 and have fully discussed it with my attorney, Timothy Rutherford. I understand the stipulation
10 and the effect it will have on my Original Pharmacist License No. 38852. I enter into this
11 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
12 agree to be bound by the Decision and Order of the Board.

13
14 DATED: 12-12-06

15
16 
17 VALERIE GAURANO, Respondent

18 I have read and fully discussed with Respondent VALERIE Gaurano the terms
19 and conditions and other matters contained in the above Stipulated Settlement and
20 Disciplinary Order. I approve its form and content.

21
22 DATED: 12/12/06

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25 TIMOTHY RUTHERFORD
26 Attorney for Valerie Gaurano
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17. No Ownership of Premises. Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within 90 days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the Board.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Timothy Rutherford. I understand the stipulation and the effect it will have on my Original Pharmacist License No. 38852. 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.

DATED: _____

VALERIE GAURANO, Respondent

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

DATED: _____

TIMOTHY RUTHERFORD
Attorney for Valerie Gaurano

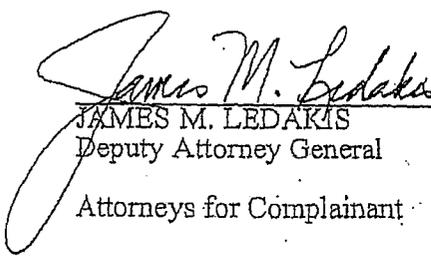
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: December 12, 2006

BILL LOCKYER, Attorney General
of the State of California



JAMES M. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SD2005800399
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