

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

In the Matter of the Accusation Against:

Case No. 3888

GRANT ARTHUR WILLEY
9565 Shadowgrove Dr.
Rancho Cucamonga, CA 91730

Pharmacist License No. RPH 38872

Respondent.

DECISION AND ORDER

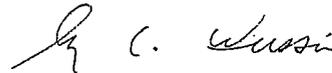
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on November 23, 2011.

It is so ORDERED on October 24, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **GRANT ARTHUR WILLEY**
12 **9565 Shadowgrove Dr.**
13 **Rancho Cucamonga, CA 91730**

14 **Pharmacist License No. RPH 38872**

15 Respondent.

Case No. 3888

OAH No. L-2011020943

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Helene E. Swanson, Deputy Attorney
23 General.

24 2. Respondent Grant Arthur Willey (Respondent) is representing himself in this
25 proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about August 23, 1984, the Board of Pharmacy issued Pharmacist License No.
27 RPH 38872 to Grant Arthur Willey (Respondent). The Pharmacist License was in full force and
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1 effect at all times relevant to the charges brought in Accusation No. 3888 and will expire on July
2 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3888 was filed before the Board of Pharmacy (Board) , Department
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on January 1, 2000.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3888 is attached as **Exhibit A** and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3888. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3888.

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

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

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

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

14 **2. Report to the Board**

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

23 **3. Interview with the Board**

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

1 **4. Cooperate with Board Staff**

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

5 **5. Continuing Education**

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

8 **6. Notice to Employers**

9 During the period of probation, respondent shall notify all present and prospective
10 employers of the decision in Case Number 3888 and the terms, conditions and restrictions
11 imposed on respondent by the decision, as follows:

12 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
13 respondent undertaking any new employment, respondent shall cause his direct supervisor,
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
15 tenure of employment) and owner to report to the board in writing acknowledging that the listed
16 individual(s) has/have read the decision in Case Number 3888, and terms and conditions imposed
17 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
18 submit timely acknowledgment(s) to the board.

19 If respondent works for or is employed by or through a pharmacy employment service,
20 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
21 licensed by the board of the terms and conditions of the decision in Case Number 3888 in
22 advance of the respondent commencing work at each licensed entity. A record of this notification
23 must be provided to the board upon request.

24 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
25 (15) days of respondent undertaking any new employment by or through a pharmacy employment
26 service, respondent shall cause his direct supervisor with the pharmacy employment service to
27 report to the board in writing acknowledging that he has read the decision in Case Number 3888
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1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
2 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

16 **8. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the
18 board its costs of investigation and prosecution in the amount of \$7,838.50. Respondent shall
19 make said payments as approved by the Board.

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

23 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
24 reimburse the board its costs of investigation and prosecution.

25 **9. Probation Monitoring Costs**

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

3 **10. Status of License**

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

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

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

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

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

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

25 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
26 **Employment**

27 Respondent shall notify the board in writing within ten (10) days of any change of
28 employment. Said notification shall include the reasons for leaving, the address of the new

1 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
2 shall further notify the board in writing within ten (10) days of a change in name, residence
3 address, mailing address, or phone number.

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

6 **13. Tolling of Probation**

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

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

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

21 "Cessation of practice" means any calendar month during which respondent is
22 not practicing as a pharmacist for at least 40 hours, as defined by Business and
23 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
24 month during which respondent is practicing as a pharmacist for at least 40 hours as a
25 pharmacist as defined by Business and Professions Code section 4000 et seq.

26 **14. Violation of Probation**

27 If a respondent has not complied with any term or condition of probation, the board shall
28 have continuing jurisdiction over respondent, and probation shall automatically be extended, until

1 all terms and conditions have been satisfied or the board has taken other action as deemed
2 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
3 to impose the penalty that was stayed.

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

11 15. **Completion of Probation**

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

14 16. **Psychotherapy**

15 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
16 board or its designee, for prior approval, the name and qualifications of a licensed mental health
17 practitioner of respondent's choice. Within thirty (30) days of approval thereof, respondent shall
18 submit documentation to the board demonstrating the commencement of psychotherapy with the
19 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment
20 with the approved licensed mental health practitioner, respondent shall notify the board
21 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
22 psychotherapist or licensed mental health practitioner of respondent's choice to the board for its
23 prior approval. Within thirty (30) days of approval thereof, respondent shall submit
24 documentation to the board demonstrating the commencement of psychotherapy with the
25 approved replacement. Failure to comply with any requirement or deadline stated by this
26 paragraph shall be considered a violation of probation.

27 Upon approval of the initial or any subsequent licensed mental health practitioner,
28 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,

1 until the therapist recommends in writing to the board, and the board or its designee agrees by
2 way of a written notification to respondent, that no further psychotherapy is necessary. Upon
3 receipt of such recommendation from the treating therapist, and before determining whether to
4 accept or reject said recommendation, the board or its designee may require respondent to
5 undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-
6 approved psychiatrist or psychologist. If the approved evaluator recommends that respondent
7 continue psychotherapy, the board or its designee may require respondent to continue
8 psychotherapy.

9 Psychotherapy shall be at least once a week unless otherwise approved by the board.
10 Respondent shall provide the therapist with a copy of the board's Accusation and decision no
11 later than the first therapy session. Respondent shall take all necessary steps to ensure that the
12 treating therapist submits written quarterly reports to the board concerning respondent's fitness to
13 practice, progress in treatment, and such other information as may be required by the board or its
14 designee.

15 If at any time the treating therapist determines that respondent cannot practice safely or
16 independently, the therapist shall notify the board immediately by telephone and follow up by
17 written letter within three (3) working days. Upon notification from the board or its designee of
18 this determination, respondent shall be automatically suspended and shall not resume practice
19 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 he 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 **17. Pharmacists Recovery Program (PRP)**

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

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

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

20 Probation shall be automatically extended until respondent successfully completes the PRP.
21 Any person terminated from the PRP program shall be automatically suspended by the board.
22 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

27 During suspension, respondent shall not enter any pharmacy area or any portion of the
28 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of

1 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
2 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
3 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
4 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
5 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
6 and controlled substances. Respondent shall not resume practice until notified by the board.

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

11 Subject to the above restrictions, respondent may continue to own or hold an interest in any
12 licensed premises in which he holds an interest at the time this decision becomes effective unless
13 otherwise specified in this order.

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

15 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
16 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
17 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

18 **18. Random Drug Screening**

19 Respondent, at his own expense, shall participate in random testing, including but not
20 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
21 screening program as directed by the board or its designee. Respondent may be required to
22 participate in testing for the entire probation period and the frequency of testing will be
23 determined by the board or its designee. At all times, respondent shall fully cooperate with the
24 board or its designee, and shall, when directed, submit to such tests and samples for the detection
25 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
26 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
27 of probation. Upon request of the board or its designee, respondent shall provide documentation
28 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is

1 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
2 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
3 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
4 shall be considered a violation of probation and shall result in the automatic suspension of
5 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until
6 notified by 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 he 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 **19. Abstain from Drugs and Alcohol Use**

24 Respondent shall completely abstain from the possession or use of alcohol, controlled
25 substances, dangerous drugs and their associated paraphernalia except when the drugs are
26 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
27 request of the board or its designee, respondent shall provide documentation from the licensed
28 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the

1 treatment of the respondent. Failure to timely provide such documentation shall be considered a
2 violation of probation. Respondent shall ensure that he is not in the same physical location as
3 individuals who are using illicit substances even if respondent is not personally ingesting the
4 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
5 not supported by the documentation timely provided, and/or any physical proximity to persons
6 using illicit substances, shall be considered a violation of probation.

7 **20. Community Services Program**

8 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
9 board or its designee, for prior approval, a community service program in which respondent shall
10 provide free health-care related services on a regular basis to a community or charitable facility or
11 agency for at least 30 hours per year for the first three years of probation. Within thirty (30) days
12 of board approval thereof, respondent shall submit documentation to the board demonstrating
13 commencement of the community service program. A record of this notification must be
14 provided to the board upon request. Respondent shall report on progress with the community
15 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
16 program shall be considered a violation of probation.

17 **21. Supervised Practice**

18 During the period of probation, respondent shall practice only under the supervision of a
19 licensed pharmacist not on probation with the board. Upon and after the effective date of this
20 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
21 until a supervisor is approved by the board or its designee. The supervision shall be, as required
22 by the board or its designee, either:

23 Continuous – At least 75% of a work week

24 Substantial - At least 50% of a work week

25 Partial - At least 25% of a work week

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

27 Within thirty (30) days of the effective date of this decision, respondent shall have his
28 supervisor submit notification to the board in writing stating that the supervisor has read the

1 decision in case number 3888 and is familiar with the required level of supervision as determined
2 by the board or its designee. It shall be the respondent's responsibility to ensure that his
3 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
4 board. 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 If respondent changes employment, it shall be the respondent's responsibility to ensure that
7 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
8 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
9 commences, submit notification to the board in writing stating the direct supervisor and
10 pharmacist-in-charge have read the decision in case number 3888 and is familiar with the level of
11 supervision as determined by the board. Respondent shall not practice pharmacy and his license
12 shall be automatically suspended until the board or its designee approves a new supervisor.

13 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
14 acknowledgements to the board shall be considered a violation of probation.

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

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

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

28 Subject to the above restrictions, respondent may continue to own or hold an interest in any

1 licensed premises in which he holds an interest at the time this decision becomes effective unless
2 otherwise specified in this order.

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

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

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

12 **23. Ethics Course**

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

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

19 ACCEPTANCE

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

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25 DATED: 8/19/11

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GRANT ARTHUR WILLEY
27 Respondent
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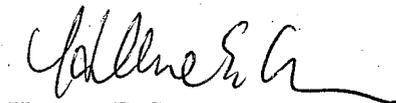
ENDORSEMENT

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: ~~July~~ ^{August 22} __, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



HELENE E. SWANSON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3888

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HELENE E. SWANSON
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. AC 3888

12 **GRANT ARTHUR WILLEY**
13 **9565 Shadowgrove Drive**
Rancho Cucamonga, CA 91730

A C C U S A T I O N

14 **Pharmacist License No. RPH 38872**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about August 23, 1984, the Board of Pharmacy (Board) issued Pharmacist
21 License No. RPH 38872 to Grant Arthur Willey (Respondent). The Pharmacist License was in
22 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
23 2012, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board, under the authority of the following
26 laws. All section references are to the Business and Professions Code unless otherwise indicated.
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STATUTORY PROVISIONS

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

5 5. Section 4059 states as follows:

6 “(a) A person may not furnish any dangerous drug, except upon prescription of a
7 physician, dentist . . . pursuant to Section 3640.7. A person may not furnish any dangerous
8 device, except upon the prescription of a physician. . . .”

9 6. Section 4060 states, in pertinent part:

10 “No person shall possess any controlled substance, except that furnished to a person upon
11 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
12 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
13 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a
14 physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to either Section
15 4052.1 or 4052.2. This section shall not apply to the possession of any controlled substance by a
16 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
17 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician
18 assistant, when in stock in containers correctly labeled with the name and address of the supplier
19 or producer.

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

23 7. Section 4300 states, in pertinent part, that “[e]very license issued may be suspended
24 or revoked.”

25 8 Section 4301 sets forth, in relevant part:

26 “The board shall take action against any holder of a license who is guilty of unprofessional
27 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
28 Unprofessional conduct shall include, but is not limited to, any of the following:

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

....

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

....

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

....

“(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.

(p) Actions or conduct that would have warranted denial of a license.”

9. Health and Safety Code section 11350, subdivision (a), states in relevant part:

“(a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.”

1 (o), and (p), for unprofessional conduct, in conjunction with Health and Safety Code section
2 11170 and California Code of Regulations, title 16, section 1770, in that Respondent used and/or
3 self-administered controlled substances, in a manner which was dangerous and/or injurious to
4 himself and/or others, as follows:

5 a. From August 27, 2008 through December 1, 2008, Respondent was employed as a
6 Pharmacist at Rancho Specialty Hospital (Rancho Hospital), located at 10841 White Oak Avenue,
7 Rancho Cucamonga, California. On November 28, 2008, pursuant to his employment contract,
8 Respondent was requested to and did provide a urine sample for drug testing. Prior to the test,
9 Respondent admitted to Rancho Hospital's Director of Pharmacy that he took a syringe of
10 injectable Dilaudid from the hospital's pharmacy for his personal use, and the Board's
11 investigation determined that Respondent had taken and self-administered a Dilaudid 2 mg/ml
12 injectable from Rancho Hospital, without a prescription or authorization from a physician or other
13 legal prescriber. On December 1, 2008, Respondent was terminated from his employment at
14 Rancho Hospital for violation of policies, poor work quality, and for not successfully completing
15 his probationary conditions of employment. On December 15, 2008, Respondent's Fluid Drug
16 Screen was completed, and tested positive for opiates.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Possession of Controlled Substances without a Valid Prescription)**

19 16. Respondent is subject to disciplinary action under Sections 4059 and 4301,
20 subdivisions (j), (o), and (p), and 4060, in conjunction with Health and Safety Code sections
21 11350, subdivision (a) and 11170, for unprofessional conduct, in that, on or about November 28,
22 2008, Respondent was found to be in possession of a controlled substance without a valid
23 prescription. Complainant refers to, and by this reference incorporates, the allegations set forth
24 above in Paragraph 15, subparagraph (a), as though fully set forth herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Dishonest Acts)**

27 17. Respondent is subject to disciplinary action under Section 4301, subdivisions (f), (o)
28 and (p), in conjunction with Health and Safety Code section 11173, for unprofessional conduct, in

1 that Respondent committed dishonest acts, and admitted that he stole Dilaudid, a controlled
2 substance, from Rancho Hospital while employed there. Complainant refers to, and by this
3 reference incorporates, the allegations set forth above in Paragraph 15, subparagraph (a), as
4 though fully set forth herein.

5 **MATTERS IN AGGRAVATION**

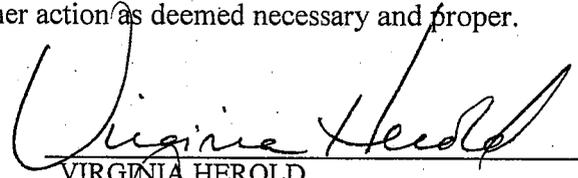
6 18. The Board's investigation revealed that, prior to working at Rancho Hospital,
7 Respondent abruptly quit his employment with Pomona Valley Hospital Medical Center, where
8 he worked at the hospital's pharmacy from approximately October 22, 2004 through April 6,
9 2008, while he was under investigation for taking a Dilaudid injectable.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacist License No. RPH 38872, issued to Grant Arthur
14 Willey;
- 15 2. Ordering Grant Arthur Willey to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 1/14/11



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

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