

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

In the Matter of the Accusation Against:

Case No. 3972

Ronald Propst  
414 2<sup>nd</sup> Street #A  
Eureka, CA 95501  
Pharmacist License No. RPH 47468

Respondent.

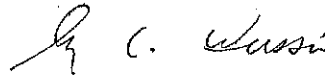
**DECISION AND ORDER**

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 August 27, 2012.

It is so ORDERED on July 27, 2012.

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**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3972

12 **RONALD TIMOTHY PROPST**  
13 **460 Lynn Street**  
**Acarta, CA 95521**  
14 **Pharmacist License No. RPH 47468**

OAH No. 2011120598  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 Respondent.

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 Timothy J. McDonough, Deputy  
23 Attorney General.

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

26 3. On or about August 9, 1994, the Board of Pharmacy issued Pharmacist License No.  
27 RPH 47468 to Ronald Timothy Propst (Respondent). The Pharmacist License was in full force  
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1 and effect at all times relevant to the charges brought in Accusation No. 3972 and will expire on  
2 March 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3972 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on June 8, 2011. Respondent  
7 timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 3972 is attached as exhibit A and incorporated by  
9 reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 3972. Respondent has also carefully read, and understands the effects of this  
13 Stipulated Settlement and Disciplinary Order.

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

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

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 3972.

26 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees  
27 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.  
28



1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 47468 issued to Ronald  
3 Timothy Propst (Respondent) is revoked. However, the revocation is stayed and Respondent is  
4 placed on probation for five (5) years on the following terms and conditions.

5 1. **Obey All Laws**

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

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

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

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

20 2. **Report to the Board**

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

1           **3. Interview with the Board**

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

7           **4. Cooperate with Board Staff**

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

11           **5. Continuing Education**

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

14           **6. Notice to Employers**

15           During the period of probation, Respondent shall notify all present and prospective  
16 employers of the decision in case number 3972 and the terms, conditions and restrictions imposed  
17 on Respondent by the decision, as follows:

18           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
19 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,  
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
22 individual(s) has/have read the decision in case number 3972, and terms and conditions imposed  
23 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or  
24 supervisor(s) submit timely acknowledgment(s) to the board.

25           If Respondent works for or is employed by or through a pharmacy employment service,  
26 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
27 licensed by the board of the terms and conditions of the decision in case number 3972 in advance  
28

1 of the Respondent commencing work at each licensed entity. A record of this notification must  
2 be provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
4 (15) days of Respondent undertaking any new employment by or through a pharmacy  
5 employment service, Respondent shall cause his direct supervisor with the pharmacy employment  
6 service to report to the board in writing acknowledging that he has read the decision in case  
7 number 3972 and the terms and conditions imposed thereby. It shall be Respondent's  
8 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
9 acknowledgment(s) to the board.

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

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

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

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

23 **8. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, respondent shall pay to the  
25 board its costs of investigation and prosecution in the amount of \$2,955. Respondent shall make  
26 said payments as follows on a monthly basis.

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

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

6           **9. Probation Monitoring Costs**

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

11           **10. Status of License**

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

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

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

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

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



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

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

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

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

14 **13. Tolling of Probation**

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

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

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

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

6 **14. Violation of Probation**

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

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

19 **15. Completion of Probation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **17. Random Drug Screening**

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

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

1 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **20. Supervised Practice**

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

15 Continuous - At least 75% of a work week

16 Substantial - At least 50% of a work week

17 Partial - At least 25% of a work week

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

19 Within thirty (30) days of the effective date of this decision, Respondent shall have his  
20 supervisor submit notification to the board in writing stating that the supervisor has read the  
21 decision in case number 3972 and is familiar with the required level of supervision as determined  
22 by the board or its designee. It shall be the Respondent's responsibility to ensure that his  
23 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
24 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
25 acknowledgements to the board shall be considered a violation of probation.

26 If Respondent changes employment, it shall be the Respondent's responsibility to ensure  
27 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
28 acknowledgement(s) to the board. Respondent shall have his new supervisor, within fifteen (15)

1 days after employment commences, submit notification to the board in writing stating the direct  
2 supervisor and pharmacist-in-charge have read the decision in case number 3972 and is familiar  
3 with the level of supervision as determined by the board. Respondent shall not practice pharmacy  
4 and his license shall be automatically suspended until the board or its designee approves a new  
5 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
6 acknowledgements to the board shall be considered a violation of probation.

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

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

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

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

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

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

25 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
26 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
27 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
28 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)



1 days following the effective date of this decision and shall immediately thereafter provide written  
2 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
3 documentation thereof shall be considered a violation of probation.

4 **22. Ethics Course**

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

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

11 ACCEPTANCE

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

16  
17 DATED: May 29<sup>th</sup>, 2012

Ronald Timothy Propst  
18 RONALD TIMOTHY PROPST  
19 Respondent  
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ENDORSEMENT

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

Dated: 5-29-2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General



TIMOTHY J. McDONOUGH  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3972**

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

11 In the Matter of the Accusation Against:

Case No. 3972

12 **RONALD TIMOTHY PROPST**  
13 **460 Lynn Street**  
**Arcata, CA 95521**  
14 **Pharmacist License No. RPH 47468**

**ACCUSATION**

Respondent.

15  
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 9, 1994, the Board of Pharmacy issued Pharmacist License  
21 Number RPH 47468 to Ronald Timothy Propst (Respondent). The Pharmacist License was in  
22 full force and effect at all times relevant to the charges brought in this Accusation and will expire  
23 on March 31, 2012, unless renewed.

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JURISDICTION

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

5       4.    Section 4300 of the Code states:

6       "(a) Every license issued may be suspended or revoked.

7       "(b) The board shall discipline the holder of any license issued by the board, whose default  
8 has been entered or whose case has been heard by the board and found guilty, by any of the  
9 following methods:

10       "(1) Suspending judgment.

11       "(2) Placing him or her upon probation.

12       "(3) Suspending his or her right to practice for a period not exceeding one year.

13       "(4) Revoking his or her license.

14       "(5) Taking any other action in relation to disciplining him or her as the board in its  
15 discretion may deem proper.

16       ...

17       "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
18 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
19 shall have all the powers granted therein. The action shall be final, except that the propriety of  
20 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
21 Civil Procedure."

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

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STATUTORY AND REGULATORY PROVISIONS

6. Section 4301 of the Code states, in relevant part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct shall include, but is not limited to, any of the following:

...

"(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.

...

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 113 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 ...

4 "(n) The revocation, suspension, or other discipline by another state of a license to practice  
5 pharmacy, operate a pharmacy, or do any other act for which a license is required by this  
6 chapter."

7 7. Section 141 of the Code states:

8 "(a) For any licensee holding a license issued by a board under the jurisdiction of the  
9 department, a disciplinary action taken by another state, by any agency of the federal government,  
10 or by another country for any act substantially related to the practice regulated by the California  
11 license, may be a ground for disciplinary action by the respective state licensing board. A  
12 certified copy of the record of the disciplinary action taken against the licensee by another state,  
13 an agency of the federal government, or another country shall be conclusive evidence of the  
14 events related therein.

15 "(b) Nothing in this section shall preclude a board from applying a specific statutory  
16 provision in the licensing act administered by that board that provides for discipline based upon a  
17 disciplinary action taken against the licensee by another state, an agency of the federal  
18 government, or another country."

19 COST RECOVERY

20 8. Section 125.3 of the Code states, in relevant 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.

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**CAUSE FOR DISCIPLINE**  
**(Unprofessional Conduct – Out of State Discipline)**  
**(Bus. & Prof. Code §§ 141(a) & 4301(n))**

9. Respondent has subjected his Pharmacist License to disciplinary action under Code sections 141, subdivision (a), and 4301, subdivision (n), in that on or about July 21, 2006, in a disciplinary action before the North Carolina Board of Pharmacy (North Carolina Board), the North Carolina Board suspended Respondent's North Carolina Pharmacist License. The suspension was based on findings that Respondent dispensed a controlled substance for his own use without a prescription and subsequently was terminated from a substance abuse program when he failed to abstain from the use of alcohol.

10. According to the North Carolina Board's disciplinary order, Respondent's Pharmacist License was suspended until he entered into a contract for a minimum of five years with the North Carolina Pharmacy Recovery Network or an equivalent substance abuse monitoring program, and provided proof to the North Carolina Board of compliance with continuing education requirements. If the above requirements were met, Respondent's license would be reinstated but subject to numerous continuous conditions. However, Respondent did not comply with the initial requirements and his North Carolina license was not reinstated.

11. On or about January 16, 2009, the South Carolina State Board of Pharmacy (South Carolina Board) denied Respondent's application for a Pharmacist License. The license was denied based on the North Carolina Board's discipline of Respondent's license which is explained in paragraphs 9 and 10, above.

**DISCIPLINE CONSIDERATIONS**

12. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about June 21, 2010, in a prior disciplinary action against Respondent before the Board of Pharmacy, in Case Number CI 2009 41890, Respondent was issued a Letter of Admonishment for violations of Code sections 4301, subdivision (h) and (l). The violations were based on Respondent's October 31, 2009 arrest for driving under the influence of alcohol and subsequent March 15, 2010 conviction under California Vehicle Code



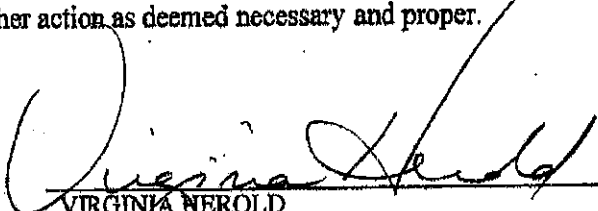
1 section 23103.5 (reckless driving involving alcohol), a misdemeanor. The June 21, 2010 Letter  
2 of Admonition is now final and is incorporated by reference as if fully set forth.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
5 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 6 1. Revoking or suspending Pharmacist License Number RPH 47468, issued to Ronald  
7 Timothy Propst;
- 8 2. Ordering Ronald Timothy Propst to pay the Board of Pharmacy the reasonable costs  
9 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
10 section 125.3;
- 11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 6/2/11

  
14 VIRGINIA HEROLD  
15 Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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