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

In the Matter of the Accusation Against:

**RANDALL DOANE JAYNE  
P.O. Box 2915  
Mammoth Lakes, CA 93546**

**Pharmacist License No. RPH 38586**

Respondent.

Case No. 4106

OAH No. 2012090190

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 1, 2011, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4106 against Randall Doane Jayne (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 12, 1984, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 38586 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 4106 and, expired on July 31, 2012, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1           3.    On or about September 22, 2011, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 4106, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is:

7    P.O. Box 2915  
8    Mammoth Lakes, CA 93546.

9           4.    Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.    On or about October 18, 2011, Respondent signed and returned a Notice of Defense,  
13 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's  
14 address of record and it informed him that an administrative hearing in this matter was scheduled  
15 for May 28, 2013. Respondent failed to appear at that hearing.

16           6.    Government Code section 11506 states, in pertinent part:

17                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
19 of the accusation not expressly admitted. Failure to file a notice of defense shall  
20 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
21 may nevertheless grant a hearing.

22           7.    California Government Code section 11520 states, in pertinent part:

23                   (a) If the respondent either fails to file a notice of defense or to appear at the  
24 hearing, the agency may take action based upon the respondent's express admissions  
25 or upon other evidence and affidavits may be used as evidence without any notice to  
26 respondent.

27           8.    Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 4106, finds that

1 the charges and allegations in Accusation No. 4106, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$5,142.50 as of May 23, 2013.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Randall Doane Jayne has  
8 subjected his Pharmacist License No. RPH 38586 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License  
11 based upon the following violations alleged in the Accusation which are supported by the  
12 evidence contained in the Default Decision Evidence Packet in this case.:

13 a. Business and Professions Code section 4301(f)-Unprofessional conduct;

14 b. Business and Professions Code section 4301(h)-Self-administration of a Controlled  
15 Substance;

16 c. Business and Professions Code section 4301(j)-Unlawful possession of a Controlled  
17 Substances;

18 d. Business and Professions Code section 4301(P, 475(a)(3) and 480(a)(3)-Actions that  
19 warrant denial of license.

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ORDER

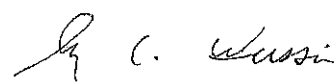
IT IS SO ORDERED that Pharmacist License No. RPH 38586, heretofore issued to Respondent Randall Doane Jayne, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 4, 2013.

It is so ORDERED ON September 4, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
STANLEY C. WEISSER  
Board President

11103322  
SA2011101723

Attachment:  
Exhibit A: Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 BRIAN S. TURNER  
Deputy Attorney General  
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7 E-mail: Brian.Turner@doj.ca.gov  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4106

13 **RANDALL DOANE JAYNE**  
14 P.O. Box 2915  
Mammoth Lakes, CA 93546

**ACCUSATION**

15 Pharmacist License No. RPH 38586

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 12, 1984, the Board of Pharmacy issued Pharmacist License  
23 Number RPH 38586 to Randall Doane Jayne (Respondent). The Pharmacist License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
25 2012, unless renewed.

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1 JURISDICTION

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 STATUTORY AND REGULATORY PROVISIONS

6 4. Section 475 (a) provides in relevant part: " Notwithstanding any other provisions  
7 of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

8 4) Commission of any act which, if done by a licentiate of the business or profession  
9 in question, would be grounds for suspension or revocation of license."

10 5. Section 480(a)(3)(A) provides in pertinent part the Board may deny a license to  
11 anyone who performs an act or acts which if done by a licentiate would be grounds for suspension  
12 or revocation of the license.

13 6. Section 4300 provides in relevant part:

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

15 7. Section 4301 provides in relevant part:

16 "The board shall take action against any holder of a license who is guilty of  
17 unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the  
18 following:

19 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
20 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
21 whether the act is a felony or misdemeanor.

22 (h) The administering to oneself, of any controlled substance .....

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

26 o) Violating or attempting to violate, directly or indirectly, or  
27 assisting in or abetting the violation of or conspiring to violate  
28 any provision or term of this chapter or of the applicable federal

1 and state laws and regulations governing pharmacy, including  
2 regulations established by the board or by any other state or federal  
3 regulatory agency.

4 p) Actions or conduct that would have warranted denial of a license.”  
5

6 **COST RECOVERY**

7 8. Section 125.3 of the Code provides, in pertinent part, that the  
8 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to  
9 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
10 reasonable costs of the investigation and enforcement of the case.

11 **FACTUAL BACKGROUND**

12 9. Respondent was employed as a pharmacist for Mammoth Hospital for approximately  
13 one and one-half years prior to the time of his termination in December 2010. Respondent was  
14 the pharmacist-in-charge from July 4, 2010 to December 2010. At all relevant times, Respondent  
15 did not possess a lawful prescription for Norco.

16 10. While employed as a pharmacist at Mammoth Hospital, Respondent ordered the  
17 narcotic drug Norco, comprised of 10 mgs of hydrocodone and .325 mgs of acetaminophen, a  
18 Schedule III controlled substance under California Health and Safety Code section 11056(e)(4).  
19 Respondent ordered Norco in one hundred count bottles on May 21, 2010, June 30, 2010, July 28,  
20 2010, August 11, 2010, September 27, 2010, October 20, 2010 and November 17, 2010.  
21 Respondent took possession of the Norco when delivered to the hospital and then diverted all  
22 bottles of Norco and the contents for his personal use. Respondent admitted on February 15,  
23 2011 that he ordered the Norco and diverted it for his personal use.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct)

26 11. Respondent's license is subject to disciplinary action under section 4301(f) in that  
27 respondent committed unprofessional conduct by engaging in acts involving moral turpitude,  
28 fraud, deceit or corruption.

1           12. Paragraphs 9 and 10 are incorporated herein as though set forth at length.  
2 Respondent used his position as a pharmacist at Mammoth Hospital and his pharmacist's license  
3 to obtain through fraud, deceit, and dishonesty eight (8) one hundred (100) count bottles of  
4 Norco for personal use without a lawful prescription. By engaging in this conduct, Respondent  
5 committed unprofessional conduct within the meaning of section 4801(f).

6                                   **SECOND CAUSE FOR DISCIPLINE**  
7                                   (Self-Administration of a Controlled Substance)

8           13. Respondent's license is subject to disciplinary action under section 4301(h) in that  
9 Respondent committed unprofessional conduct by self-administering a controlled substance  
10 without a lawful prescription.

11           14. Paragraphs 9 and 10 are incorporated herein as though set forth at length.  
12 Respondent admitted he self-administered a controlled substance without a lawful prescription  
13 for an unknown duration but including May 2010 through December 2010. By engaging in this  
14 conduct, Respondent committed unprofessional conduct within the meaning of section 4301(h).

15                                   **THIRD CAUSE FOR DISCIPLINE**  
16                                   (Unlawful Possession of Controlled Substances)

17           15. Respondent's license is subject to disciplinary action under sections 4301 (j) and  
18 (o) in that Respondent committed unprofessional conduct by violating state statutes for  
19 possession of controlled substances and dangerous drugs

20           16. Paragraphs 9 and 10 are incorporated herein as though set forth at length.  
21 Respondent utilized his position as a pharmacist and his pharmacist license to obtain controlled  
22 substances and dangerous drugs in violation of Business and Professions Code section 4060,  
23 Health and Safety Code section 11350(a) and Health and Safety Code section 11173(a).  
24 Respondent committed unprofessional conduct within the meaning of sections 4301 (j) and (o).

25           ///  
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1 FOURTH CAUSE FOR DISCIPLINE  
2 (Actions That Warrant Denial of License)

3 17. Respondent's license is subject to disciplinary action under sections 475(a)(3),  
4 480(a)(3) and 4301 (p) in that Respondent committed acts which if done by a licensee would  
5 warrant denial of a license.

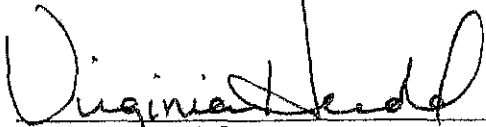
6 18. Paragraphs 9 through 16 are incorporated herein as though set forth at length.  
7 Respondent committed acts that would warrant denial of a license including but not limited to  
8 obtaining controlled substances without a lawful prescription, violating state statutes by  
9 possessing controlled substances and dangerous drugs without a lawful prescription and self-  
10 administered controlled substances all of which are grounds to deny a license.

11 PRAYER

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

- 14 1. Revoking or suspending Pharmacist License Number RPH 38586, issued to  
15 Randall Doane Jayne.
- 16 2. Ordering Randall Doane Jayne to pay the Board of Pharmacy the reasonable costs  
17 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
18 section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 9/11/11

  
22 VIRGINIA HEROLD  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
28