

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

In the Matter of the Accusation Against:

Case No. 4300

**CHRISTOPHER TISHER
10173 Creek Trail Circle
Stockton, CA 95209**

**Intern Registration No. INT 24947
Applicant for Pharmacist Licensure**

Respondent.

DECISION AND ORDER

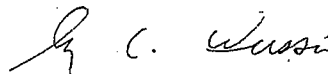
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on September 16, 2013.

It is so ORDERED on August 15, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

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

11 In the Matter of the Accusation Against:

Case No. 4300

12 **CHRISTOPHER RYAN TISHER**
13 **10173 Creek Trail Circle**
Stockton, CA 95209

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 **Intern Pharmacist Registration**
15 **No. INT 24947**
16 **Applicant for Pharmacist Licensure**

17 Respondent.

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

21 **PARTIES**

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

26 2. Respondent Christopher Ryan Tisher (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 4300.

4 10. Respondent agrees that his Intern Pharmacist Registration is subject to discipline and
5 Respondent further agrees any application by Respondent for licensure as a Pharmacist is subject
6 to denial. With this knowledge, Respondent agrees to be bound by the Board's probationary terms
7 as set forth in the Disciplinary Order

8 CONTINGENCY

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

18 12. The parties understand and agree that facsimile or emailed copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile or emailed signatures thereto, shall have
20 the same force and effect as the originals.

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

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

4 **DISCIPLINARY ORDER**

5 **IT IS ORDERED** that Intern Pharmacist Registration No. INT 24947 issued to Respondent
6 Christopher Ryan Tisher is **REVOKED**. The revocation is stayed and Respondent is placed on
7 probation for five (5) years on the following terms and conditions. Upon successful completion
8 of the Intern Registration probation, Respondent's Intern Registration will be cancelled
9 automatically. Upon Respondent's satisfaction of all probation terms and conditions required for
10 the Intern Pharmacist Registration and satisfaction of all statutory and regulatory requirements
11 and conditions for issuance of a license, a pharmacist license will be issued to Respondent.
12 Respondent's pharmacist's license shall be immediately revoked. The revocation will be stayed,
13 and Respondent's pharmacist's license shall be placed on probation for all remaining time of the
14 five years probation subject to the following terms and conditions.

15 **1. Suspension**

16 As part of probation, Respondent is suspended from the practice of pharmacy for thirty (30)
17 days beginning the effective date of this decision.

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

26 Respondent shall not engage in any activity that requires the professional judgment of a
27 Pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.

28

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

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

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

7 **2. Obey All Laws**

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

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

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

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

23 **3. Report to the Board**

24 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
25 designee. The report shall be made either in person or in writing, as directed. Among other
26 requirements, Respondent shall state in each report under penalty of perjury whether there has
27 been compliance with all the terms and conditions of probation. Failure to submit timely reports
28 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

1 in submission of reports as directed may be added to the total period of probation. Moreover, if
2 the final probation report is not made as directed, probation shall be automatically extended until
3 such time as the final report is made and accepted by the Board.

4 **4. Interview with the Board**

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

10 **5. Cooperate with Board Staff**

11 Respondent shall cooperate with the Board's inspection program and with the Board's
12 monitoring and investigation of Respondent's compliance with the terms and conditions of his
13 probation. Failure to cooperate shall be considered a violation of probation.

14 **6. Continuing Education**

15 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
16 Pharmacist as directed by the Board or its designee.

17 **7. Notice to Employers**

18 During the period of probation, Respondent shall notify all present and prospective
19 employers of the decision in case number 4300 and the terms, conditions and restrictions imposed
20 on Respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
22 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
23 Pharmacist-in-charge (including each new Pharmacist-in-charge employed during Respondent's
24 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
25 individual(s) has/have read the decision in case number 4300, and terms and conditions imposed
26 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
27 supervisor(s) submit timely acknowledgment(s) to the Board.

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1 If Respondent works for or is employed by or through a pharmacy employment service,
2 Respondent must notify his direct supervisor, Pharmacist-in-charge, and owner at every entity
3 Licensed by the Board of the terms and conditions of the decision in case number 4300 in
4 advance of the Respondent commencing work at each Licensed entity. A record of this
5 notification must be provided to the Board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of Respondent undertaking any new employment by or through a pharmacy
8 employment service, Respondent shall cause his direct supervisor with the pharmacy employment
9 service to report to the Board in writing acknowledging that he has read the decision in case
10 number 4300 and the terms and conditions imposed thereby. It shall be Respondent's
11 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
12 acknowledgment(s) to the Board.

13 Failure to timely notify present or prospective employer(s) or to cause that/those
14 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
15 probation.

16 "Employment" within the meaning of this provision shall include any full-time,
17 part-time, temporary, relief or pharmacy management service as a Pharmacist or any
18 position for which a Pharmacist License is a requirement or criterion for employment,
19 whether the Respondent is an employee, independent contractor or volunteer.

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

22 During the period of probation, Respondent shall not supervise any Intern Pharmacist, be
23 the Pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
24 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
25 unauthorized supervision responsibilities shall be considered a violation of probation.

26 **9. Reimbursement of Board Costs**

27 As a condition precedent to successful completion of probation, Respondent shall pay to
28 the Board its costs of investigation and prosecution in the amount of \$1,912.00. Respondent shall

1 make said payments as follows:

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

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

7 **10. Probation Monitoring Costs**

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

12 **11. Status of Pharmacist Intern Registration**

13 Respondent shall, at all times while on probation as a registered Pharmacist Intern, maintain
14 an active, current Pharmacist Intern Registration with the Board, including any period during
15 which suspension or probation is tolled. Failure to maintain an active, current Registration shall
16 be considered a violation of probation.

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

21 **12. Status of Pharmacist License**

22 Respondent shall, at all times while on probation as a Pharmacist, maintain an active,
23 current Pharmacist License with the Board, including any period during which suspension or
24 probation is tolled. Failure to maintain an active, current License shall be considered a violation
25 of probation.

26 If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise
27 at any time during the period of probation, including any extensions thereof due to tolling or
28 otherwise, upon renewal or reapplication Respondent's License shall be subject to all terms and

1 conditions of this probation not previously satisfied

2 **13. Pharmacist Intern Registration Surrender While on Probation/Suspension**

3 Following the effective date of this decision, should Respondent cease practice due to
4 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
5 Respondent may tender his Registration to the Board for surrender. The Board or its designee
6 shall have the discretion whether to grant the request for surrender or take any other action it
7 deems appropriate and reasonable. Upon formal acceptance of the surrender of the Registration,
8 Respondent will no longer be subject to the terms and conditions of probation. This surrender
9 constitutes a record of discipline and shall become a part of the Respondent's License history
10 with the Board.

11 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall Intern
12 Registration to the Board within ten (10) days of notification by the Board that the surrender is
13 accepted. Respondent may not reapply for any intern registration from the Board for three (3)
14 years from the effective date of the surrender. Respondent shall meet all requirements applicable
15 to the intern registration sought as of the date the application for that intern registration is
16 submitted to the Board, including any outstanding costs.

17 **14. Pharmacist License Surrender While on Probation/Suspension**

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

25 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license
26 to the Board within ten (10) days of notification by the Board that the surrender is accepted.
27 Respondent may not reapply for any license from the Board for three (3) years from the effective
28 date of the surrender. Respondent shall meet all requirements applicable to the pharmacist license

1 sought as of the date the application for that license is submitted to the Board, including any
2 outstanding costs.

3 **15. Notification of a Change in Name, Residence Address, Mailing Address or**
4 **Employment**

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

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

12 **16. Tolling of Probation While Registered Pharmacist Intern**

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

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

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

27 "Cessation of practice" means any calendar month during which Respondent is
28 not practicing as a Pharmacist Intern for at least forty (40) hours, as defined by

1 Business and Professions Code section 4000 et seq. "Resumption of practice" means
2 any calendar month during which Respondent is practicing as a pharmacist intern for
3 at least forty (40) hours as a pharmacist intern as defined by Business and Professions
4 Code section 4000 et seq.

5 Respondent is required to practice as a pharmacist intern in a licensed pharmacy setting that
6 dispenses medication for a minimum of one year prior to the completion of probation. After the
7 first year of probation, the Board or its designee may consider a modification of this requirement.
8 If Respondent fails to comply with this requirement or a subsequent modification thereto, such
9 failure shall be considered a violation of probation.

10 17. Tolling of Probation While a Pharmacist

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

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

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

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

1 by Business and Professions Code section 4000 et seq.

2 Respondent is required to practice as a pharmacist intern in a licensed pharmacy setting that
3 dispenses medication for a minimum of one year prior to the completion of probation. After the
4 first year of probation, the Board or its designee may consider a modification of this requirement.
5 If Respondent fails to comply with this requirement or a subsequent modification thereto, such
6 failure shall be considered a violation of probation.

7 **18. Violation of Probation**

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

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

20 **19. Completion of Probation**

21 Upon written notice by the Board or its designee indicating successful completion of
22 pharmacist license intern and pharmacist probation, Respondent's pharmacist licensure will be
23 fully restored.

24 **20. Pharmacists Recovery Program (PRP)**

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

1 for PRP participation shall be borne by the Respondent.

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

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

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

12 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
13 licensed practitioner as part of a documented medical treatment shall result in the automatic
14 suspension of practice by Respondent and shall be considered a violation of probation.
15 Respondent may not resume the practice of pharmacy until notified by 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
19 devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do
20 any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
21 patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee
22 of the Board, or have access to or control the ordering, manufacturing or dispensing of dangerous
23 drugs and controlled substances. Respondent shall not resume practice until notified by the
24 Board.

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

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

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

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

8 Respondent shall work in a pharmacy setting with access to controlled substances for
9 six (6) consecutive months before successfully completing probation. If Respondent fails to do
10 so, probation shall be automatically extended until this condition has been met. Failure to satisfy
11 this condition within six (6) months beyond the original date of expiration of the term of
12 probation shall be considered a violation of probation.

13 **21. Random Drug Screening**

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

1 practice of pharmacy until notified by the Board in writing.

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

11 During suspension, Respondent shall not engage in any activity that requires the
12 professional judgment of a Pharmacist. Respondent shall not direct or control any aspect of the
13 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
14 designated representative for any entity Licensed by the Board.

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

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

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

20 Respondent shall completely abstain from the possession or use of alcohol, controlled
21 substances, dangerous drugs and their associated paraphernalia except when the drugs are
22 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
23 request of the Board or its designee, Respondent shall provide documentation from the licensed
24 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
25 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
26 violation of probation.

27 Respondent shall ensure that he is not in the same physical location as individuals who are
28 using illicit substances even if Respondent is not personally ingesting the drugs. Any possession

1 or use of alcohol, controlled substances, or their associated paraphernalia not supported by the
2 documentation timely provided, and/or any physical proximity to persons using illicit substances,
3 shall be considered a violation of probation.

4 **23. Prescription Coordination and Monitoring of Prescription Use**

5 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
6 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
7 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
8 Respondent's history with the use of controlled substances and/or dangerous drugs and who will
9 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
10 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of
11 the Board's Accusation and decision. A record of this notification must be provided to the Board
12 upon request. Respondent shall sign a release authorizing the practitioner to communicate with
13 the Board about Respondent's treatment(s). The coordinating physician, nurse practitioner,
14 physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of
15 probation regarding Respondent's compliance with this condition. If any substances considered
16 addictive have been prescribed, the report shall identify a program for the time limited use of any
17 such substances. The Board may require that the single coordinating physician, nurse
18 practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a
19 specialist in addictive medicine. Should Respondent, for any reason, cease supervision by the
20 approved practitioner, Respondent shall notify the Board immediately and, within thirty (30) days
21 of ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician
22 assistant, or psychiatrist of Respondent's choice to the Board or its designee for its prior approval.
23 Failure to timely submit the selected practitioner or replacement practitioner to the Board for
24 approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered
25 a violation of probation.

26 If at any time an approved practitioner determines that Respondent is unable to practice
27 safely or independently as a Pharmacist, the practitioner shall notify the Board immediately by
28 telephone and follow up by written letter within three (3) working days. Upon notification from

1 the Board or its designee of this determination, Respondent shall be automatically suspended and
2 shall not resume practice until notified by the Board that practice may be resumed.

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

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

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

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

20 **24. Community Services Program**

21 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
22 Board or its designee, for prior approval, a community service program in which Respondent
23 shall provide free health-care related services on a regular basis to a community or charitable
24 facility or agency for at least seventy-five hours per year for the first during probation. Within
25 thirty (30) days of Board approval thereof, Respondent shall submit documentation to the Board
26 demonstrating commencement of the community service program. A record of this notification
27 must be provided to the Board upon request. Respondent shall report on progress with the
28 community service program in the quarterly reports. Failure to timely submit, commence, or

1 comply with the program shall be considered a violation of probation.

2 **25. Supervised Practice**

3 During the period of probation, Respondent shall practice only under the supervision of a
4 licensed pharmacist not on probation with the Board. Upon and after the effective date of this
5 decision, Respondent shall not practice pharmacy and his pharmacist intern registration or
6 pharmacist license, whichever is in effect at the time, shall be automatically suspended until a
7 supervisor is approved by the Board or its designee. The supervision shall be, as required by the
8 Board or its designee, either:

9 Continuous – At least 75% of a work week

10 Substantial - At least 50% of a work week

11 Partial - At least 25% of a work week

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

13 Within thirty (30) days of the effective date of this decision, Respondent shall have his
14 supervisor submit notification to the Board in writing stating that the supervisor has read the
15 decision in case number 4300 and is familiar with the required level of supervision as determined
16 by the Board or its designee. It shall be the Respondent's responsibility to ensure that his
17 employer(s), Pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
18 Board. Failure to cause the direct supervisor and the Pharmacist-in-charge to submit timely
19 acknowledgements to the Board shall be considered a violation of probation.

20 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
21 that his employer(s), Pharmacist-in-charge and/or supervisor(s) submit timely
22 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)
23 days after employment commences, submit notification to the Board in writing stating the direct
24 supervisor and Pharmacist-in-charge have read the decision in case number 4300 and is familiar
25 with the level of supervision as determined by the Board. Respondent shall not practice
26 pharmacy and his License shall be automatically suspended until the Board or its designee
27 approves a new supervisor. Failure to cause the direct supervisor and the Pharmacist-in-charge to
28 submit timely acknowledgements to the Board shall be considered a violation of probation.

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

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

11 During suspension, Respondent shall not engage in any activity that requires the
12 professional judgment of a Pharmacist. Respondent shall not direct or control any aspect of the
13 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
14 designated representative for any entity Licensed by the Board.

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

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

19 **26. No Ownership of Licensed Premises**

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

27 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
28 manager, administrator, member, officer, director, trustee, associate, or partner of any additional

1 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns
2 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
3 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
4 or hereinafter Licensed by the Board, Respondent may continue to serve in such capacity or hold
5 that interest, but only to the extent of that position or interest as of the effective date of this
6 decision. Violation of this restriction shall be considered a violation of probation.

7 **27. Tolling of Suspension**

8 During the period of suspension, Respondent shall not leave California for any period
9 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
10 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
11 absence from California during the period of suspension exceeding ten (10) days shall toll the
12 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
13 Respondent is absent from California. During any such period of tolling of suspension,
14 Respondent must nonetheless comply with all terms and conditions of probation.

15 Respondent must notify the Board in writing within ten (10) days of departure, and must
16 further notify the Board in writing within ten (10) days of return. The failure to provide such
17 notification(s) shall constitute a violation of probation. Upon such departure and return,
18 Respondent shall not resume the practice of pharmacy until notified by the Board that the period
19 of suspension has been satisfactorily completed.

20 **28. Ethics Course**

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

25 Respondent shall submit a certificate of completion to the Board or its designee within five
26 days after completing the course.

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ACCEPTANCE

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

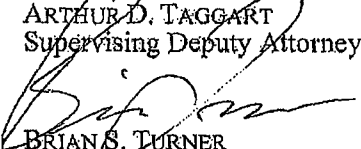
DATED: 6/18/2013


CHRISTOPHER RYAN TISHER
Respondent

ENDORSEMENT

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

Dated: 7/15/13

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General

BRIAN S. TURNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 4300

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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4300

12 **CHRISTOPHER RYAN TISHER**
13 **10173 Creek Trail Circle**
14 **Stockton, CA 95209**

FIRST AMENDED ACCUSATION

15 Intern Pharmacist Registration No. INT 24947

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
22 2. On or about October 7, 2009, the Board issued Intern Pharmacist Registration
23 Number INT 24947 to Christopher Ryan Tisher (Respondent). The Intern Pharmacist
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on October 31, 2013, unless renewed.

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JURISDICTION AND STATUTORY PROVISIONS

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

Section 4022 provides:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

4. Section 4060 provides:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

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

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5. Section 4301 provides 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:

(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.

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

(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 the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. 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.

(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.”

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the Code provides in relevant part that a proceeding conducted by a board to deny an application for a license or to suspend or revoke a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the

1 qualifications, functions, and duties of the licensee in question, the record of conviction of the
2 crime shall be conclusive evidence of the fact that the conviction occurred. As used in this
3 section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.

4 CONTROLLED SUBSTANCES

5 8. "Oxycodone" is designated a Schedule II substance by Health and Safety Code
6 section 11055(b)(1)(M).

7 9. "Morphine" is designated a Schedule II substance by Health and Safety Code
8 section 11055(b)(1)(L).

9 COSTS

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

14 I.

15 FACTUAL ALLEGATIONS

16 11. On October 17, 2011 Respondent was working as a pharmacist intern at a Pharmacy
17 under the supervision of two licensed pharmacists. One of the pharmacists filled prescriptions for
18 Morphine ER 100 mgs and 200 mgs. The prescriptions were left on the counter while the
19 pharmacist stepped away for moment. When the pharmacist returned, one of the prescription
20 vials was missing and Respondent was no longer present.

21 12. When Respondent returned to the pharmacy he was questioned by the pharmacist
22 who asked to look in Respondent's car. Respondent permitted the pharmacists to look in his car.
23 In searching Respondent's car, the pharmacists found loose pills identical to the pills in the
24 missing vial in Respondent's glove box and found the missing prescription bottle in Respondent's
25 vehicle.

26 13. The pharmacist confronted Respondent who admitted he had taken the pills for his
27 use. Respondent further admitted to investigators that he had taken ten (10) to fifteen (15) tablets
28 of Oxycodone from the pharmacy without lawful prescription.

1 14. On or about November 23, 2011, in a case captioned "The People of the State of
2 *California v. Christopher Tisher*" San Joaquin County Superior Court No. SP11-36265,
3 Respondent was convicted by his pleas of no contest to a charge of possession of a controlled
4 substance in violation of Health and Safety Code section 11350(A).

5 II.

6 **CAUSES FOR DISCIPLINE**

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Conviction of a Crime)**

9 15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
10 sections 490 and 4301(I) based on his conviction for possession of controlled substances. The
11 circumstances are as follows:

12 16. Paragraph 11 is incorporated herein as though set forth at length. Respondent's
13 conviction for possession of controlled substances in violation of section 11350(A) is a crime
14 substantially related to the duties and responsibilities of a licensed pharmacist intern within the
15 meaning of sections 490 and 4301(I).

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct-Corrupt Acts)**

18 17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
19 section 4301(f) for theft of controlled substances. The circumstances are as follows:

20 18. Paragraphs 7 to 11 are incorporated herein as though set forth at length. On or about
21 October 17, 2011 and the week preceding this date, Respondent removed from the pharmacy for
22 personal use and without authorization or prescription, ten (10) to fifteen (15) tablets of
23 Oxycodone and 60 tablets of Morphine Sulfate ER while working in the capacity of a pharmacist
24 intern. In removing the controlled substances without authorization, Respondent committed
25 corrupt acts within the meaning of section 4301(f).

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Unlawful Possession Controlled Substances)

19. Respondent is subject to disciplinary action for unprofessional conduct pursuant to sections 4301(j) and (o) for possession of controlled substances and dangerous drugs. The circumstances are as follows:

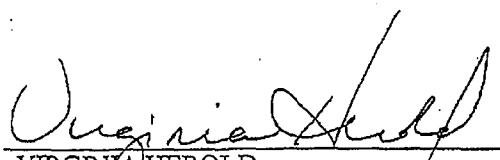
20. Paragraphs 7-11 are incorporated herein as though set forth at length. On or about October 17, 2011, Respondent possessed 60 tablets of Morphine Sulfate ER without authorization of lawful prescription. Respondent unlawfully possessed a controlled substance and dangerous drug within the meaning of section 4301(j) and (o).

PRAYER

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

- 1. Revoking or suspending Intern Pharmacist Registration Number INT 24947, issued to Christopher Ryan Tisher;
- 2. Ordering Christopher Ryan Tisher to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 7/11/13


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

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