

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

In the Matter of the Accusation Against:

Case No. 4568

JOHN EDWARD GILLESPIE
1730 Redding Way
Upland, CA 91784

Pharmacist License No. RPH 25025

Respondent.

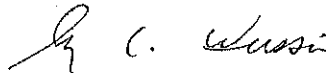
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 October 6, 2014.

It is so ORDERED on October 1, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4568

11 **JOHN EDWARD GILLESPIE**
12 **1730 Redding Way**
13 **Upland, CA 91784**
Pharmacist License No. RPH 25025

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

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

23 2. John Edward Gillespie (Respondent) is representing himself in this proceeding and
24 has chosen not to exercise his right to be represented by counsel.

25 3. On or about July 18, 1967, the Board of Pharmacy issued Pharmacist License No.
26 RPH 25025 to John Edward Gillespie (Respondent). The Pharmacist License expired on July 31,
27 2012, and has not been renewed.

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1 communicate directly with the Board regarding this stipulation and surrender, without notice to or
2 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
3 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
5 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
7 be disqualified from further action by having considered this matter.

8 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Surrender of License and Order, including Portable Document Format
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11 12. This Stipulated Surrender of License and Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
15 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
16 executed by an authorized representative of each of the parties.

17 13. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacist License No. RPH 25025, issued to Respondent
21 John Edward Gillespie, is surrendered and accepted by the Board of Pharmacy.

22 1. The surrender of Respondent's Pharmacist License and the acceptance of the
23 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
24 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
25 license history with the Board of Pharmacy.

26 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the
27 effective date of the Board's Decision and Order.

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ENDORSEMENT

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

Dated: 8/12/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4568

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4568

11 **JOHN EDWARD GILLESPIE**
12 **18333 Hatteras Street, #110**
13 **Tarzana, CA 91356**

ACCUSATION

14 **Pharmacist License No. RPH 25025**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 18, 1967, the Board of Pharmacy issued Pharmacist License
22 Number RPH 25025 to John Edward Gillespie (Respondent). The Pharmacist License expired on
23 July 31, 2012, and has not been renewed.

24 **JURISDICTION**

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

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

4 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 6. Section 4301 of the Code states:

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

11
12 (j) The violation of any of the statutes of this state or of the United States regulating
13 controlled substances and dangerous drugs.

14
15 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
16 the violation of or conspiring to violate any provision or term of this chapter or of the applicable
17 federal and state laws and regulations governing pharmacy, including regulations established by
18 the board."

19 7. Section 4113 of the Code, subdivision (b) states:

20 "(b) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with
21 all state and federal laws and regulations pertaining to the practice of pharmacy."

22 8. Section 4306.5 of the Code, subdivision (a) states:

23 "(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of
24 his or her education, training, or experience as a pharmacist, whether or not the act or omission
25 arises in the course of the practice of pharmacy or the ownership, management, administration, or
26 operation of a pharmacy or other entity licensed by the board."

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1 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
2 administrative law judge to direct a licentiate found to have committed a violation or violations of
3 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
4 enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Filling of Erroneous Order)

7 10. Respondent is subject to disciplinary action under sections 4300 and 4301,
8 subdivisions (j) and (o), and 4113, subdivision (b) of the Code, on the grounds of unprofessional
9 conduct, for violating section 4306.5, subdivision (a) in that on or about August 4, 2009, while
10 Respondent was employed as the Pharmacist-in-Charge of Gemmel San Antonio Pharmacy,
11 located in Upland, California, he incorrectly filed an order that resulted in patient harm. The
12 circumstances are as follows:

13 11. On or about August 4, 2009, San Antonio Surgical Center provided order
14 "RX#6182485" for filling to Gemmel San Antonio Pharmacy. The order was for acetic acid 5%
15 as a stock solution for its surgical center. Respondent erroneously compounded the solution for
16 San Antonio Surgical Center in that he filled the order with acetic acid 100% instead of acetic
17 acid 5%.

18 12. On or about April 23, 2010, Patient M.E. was undergoing a surgical procedure that
19 required 5% acetic acid. As a result of Respondent's error, Patient M.E. suffered chemical burns
20 to her vaginal area that caused her to have complaints of inability to engage in relationships, fear
21 of future pregnancy issues, and discomfort from sexual intercourse, as well as loss of work for
22 one month. Patient M.E. filed a claim which resulted in a settlement against Respondent and the
23 pharmacy.

24 **PRAYER**

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

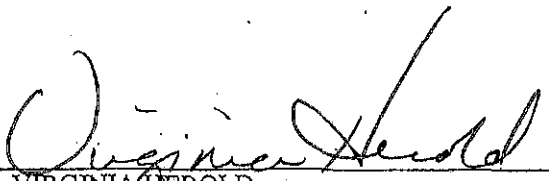
27 1. Revoking or suspending Pharmacist License Number RPH 25025, issued to John
28 Edward Gillespie;

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2. Ordering John Edward Gillespie 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: 9/6/12



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

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