



**California State Board of Pharmacy**  
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
 BOARD OF PHARMACY  
 DEPARTMENT OF CONSUMER AFFAIRS  
 GOVERNOR EDMUND G. BROWN JR.

2016 DEC 27 AM 9:10

### APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Justin Kenowles</u>	Case No. <u>AC 201200485700</u>
Address of Record: <u>29700 Avenida Maravilla</u> <u>Cathedral City, CA 92254</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC201200485700, I hereby request to surrender my license, License No. 63427. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

[Signature]  
 Applicant's Signature  
[Signature]  
 Executive Officer's Approval

12-23-2016  
 Date  
1/3/17  
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7800, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

**JUSTIN WILLIAM KNOWLES**  
15 Spur Road  
Dover, NH 03820

Pharmacist License No. RPH 63427

Respondent.

Case No. 4857

OAH No. 2014020397

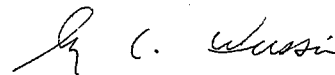
**DECISION AND ORDER**

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 April 15, 2015.

It is so ORDERED on April 8, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER, Board President

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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4857

13 **JUSTIN WILLIAM KNOWLES**  
14 **15 Spur Road**  
15 **Dover, NH 03820**

OAH No. 2014020397

16 **Pharmacist License No: RPH 63427**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

Respondent.

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 Kristina T. Jansen, Deputy Attorney  
23 General.

24 2. On or about November 19, 2009, the Board of Pharmacy issued Pharmacist License  
25 No. RPH 63427 to Justin William Knowles (Respondent). The Pharmacist License was in full  
26 force and effect at all times relevant to the charges brought in Accusation No. 4857 and will  
27 expire on March 31, 2015.

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

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

11 13. This Stipulated Settlement and Disciplinary 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 Settlement and Disciplinary  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

17 14. 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  
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Respondent Justin William Knowles' Pharmacist License  
22 is revoked. The revocation will be stayed and the Respondent will be placed on five (5) years  
23 probation on the following terms and conditions.

24 1. **Obey All Laws**

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

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

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

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

12      **2. Report to the Board**

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

21      **3. Interview with the Board**

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

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1           **4. Cooperate with Board Staff**

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

5           **5. Continuing Education**

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

8           **6. Notice to Employers**

9           During the period of probation, respondent shall notify all present and prospective  
10 employers of the decision in case number 4857 and the terms, conditions and restrictions imposed  
11 on respondent by the decision, as follows:

12           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
15 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
16 individual(s) has/have read the decision in case number 4857, and terms and conditions imposed  
17 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
18 submit timely acknowledgment(s) to the board.

19           If respondent works for or is employed by or through a pharmacy employment service,  
20 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
21 licensed by the board of the terms and conditions of the decision in case number 4857 in advance  
22 of the respondent commencing work at each licensed entity. A record of this notification must be  
23 provided to the board upon request.

24           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
25 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
26 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
27 report to the board in writing acknowledging that he has read the decision in case number 4857

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1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
2 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

16 **8. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the  
18 board its costs of investigation and prosecution in the amount of \$5,270.00. Respondent shall be  
19 allowed to make payments on a plan authorized by the Board or its designee in writing, so long as  
20 all costs are paid in full no less than twelve (12) months prior to the scheduled termination of the  
21 probation term.

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

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

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1           **9. Probation Monitoring Costs**

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

6           **10. Status of License**

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

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

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

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

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

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

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1           **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
2 **Employment**

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

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

10           **13. Tolling of Probation**

11           Except during periods of suspension, respondent shall, at all times while on probation, be  
12 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.  
13 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
14 period of probation shall be extended by one month for each month during which this minimum is  
15 not met. During any such period of tolling of probation, respondent must nonetheless comply  
16 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  
27 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
28 month during which respondent is practicing as a pharmacist for at least forty (40)

1 hours as a pharmacist as defined by Business and Professions Code section 4000 et  
2 seq.

3 **14. Violation of Probation**

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

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

16 **15. Completion of Probation**

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

19 **16. Suspension**

20 As part of probation, respondent is suspended from the practice of pharmacy for ninety (90)  
21 days beginning the effective date of this decision.

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

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1 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
2 and devices or controlled substances.

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

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

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

11 **17. Pharmacists Recovery Program (PRP)**

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

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

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

23 Probation shall be automatically extended until respondent successfully completes the PRP.

24 Any person terminated from the PRP program shall be automatically suspended by the board.

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

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

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

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

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

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

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

21 **18. Random Drug Screening**

22 Respondent, at his own expense, shall participate in random testing, including but not  
23 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
24 screening program as directed by the board or its designee. Respondent may be required to  
25 participate in testing for the entire probation period and the frequency of testing will be  
26 determined by the board or its designee. At all times, respondent shall fully cooperate with the  
27 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
28 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its

1 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
2 of probation. Upon request of the board or its designee, respondent shall provide documentation  
3 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
4 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
5 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
6 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
7 shall be considered a violation of probation and shall result in the automatic suspension of  
8 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until  
9 notified by the board in writing.

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

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

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

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

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

27 Respondent shall completely abstain from the possession or use of alcohol, controlled  
28 substances, dangerous drugs and their associated paraphernalia except when the drugs are

1 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
2 request of the board or its designee, respondent shall provide documentation from the licensed  
3 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
4 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
5 violation of probation. Respondent shall ensure that he is not in the same physical location as  
6 individuals who are using illicit substances even if respondent is not personally ingesting the  
7 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
8 not supported by the documentation timely provided, and/or any physical proximity to persons  
9 using illicit substances, shall be considered a violation of probation.

10 **20. Prescription Coordination and Monitoring of Prescription Use**

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

1 board or its designee for its prior approval. Failure to timely submit the selected practitioner or  
2 replacement practitioner to the board for approval, or to ensure the required reporting thereby on  
3 the quarterly reports, shall be considered a violation of probation.

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

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

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

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

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

25 **21. Supervised Practice**

26 During the period of probation, respondent shall practice only under the supervision of a  
27 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
28 decision, respondent shall not practice pharmacy and his license shall be automatically suspended



1 until a supervisor is approved by the board or its designee. The supervision shall be, as required  
2 by the board or its designee, either:

3 Continuous – At least 75% of a work week

4 Substantial - At least 50% of a work week

5 Partial - At least 25% of a work week

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

7 Within thirty (30) days of the effective date of this decision, respondent shall have his  
8 supervisor submit notification to the board in writing stating that the supervisor has read the  
9 decision in case number 4857 and is familiar with the required level of supervision as determined  
10 by the board or its designee. It shall be the respondent's responsibility to ensure that his  
11 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
12 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
13 acknowledgements to the board shall be considered a violation of probation.

14 If respondent changes employment, it shall be the respondent's responsibility to ensure that  
15 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
16 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment  
17 commences, submit notification to the board in writing stating the direct supervisor and  
18 pharmacist-in-charge have read the decision in case number 4857 and is familiar with the level of  
19 supervision as determined by the board. Respondent shall not practice pharmacy and his license  
20 shall be automatically suspended until the board or its designee approves a new supervisor.

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

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

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

1 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
2 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
3 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

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

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

20 **23. Criminal Probation/Parole Reports**

21 Respondent shall provide a copy of the conditions of any criminal probation/parole to the  
22 board, in writing, within ten (10) days of the issuance or modification of those conditions.  
23 Respondent shall provide the name of his probation/parole officer to the board, in writing, within  
24 ten (10) days after that officer is designated or a replacement for that officer is designated.  
25 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten  
26 (10) days after respondent receives a copy of such a report. Failure to timely make any of the  
27 submissions required hereby shall be considered a violation of probation.

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**24. Tolling of Suspension**

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

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

**25. Ethics Course**

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

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

**ACCEPTANCE**

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my 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: 3-19-2015

Justin Knowles  
JUSTIN WILLIAM KNOWLES  
Respondent

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ENDORSEMENT

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

Dated: March 20, 2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

KRISTINA T. JANSEN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4857**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JANSEN  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4857

13 **JUSTIN WILLIAM KNOWLES**  
15 Spur Road  
Dover, NH 03820

**A C C U S A T I O N**

14 **Pharmacist License No. RPH 63427**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 19, 2009, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 63427 to Justin William Knowles (Respondent). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on May 31,  
24 2015, unless renewed.

25 **JURISDICTION**

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

1           4.     Section 4300 of the Code states in pertinent part:

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

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

6           (1) Suspending judgment.

7           (2) Placing him or her upon probation.

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

9           (4) Revoking his or her license.

10          5.     Section 4300.1 of the Code states:

11           "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
12 of law or by order or decision of the board or a court of law, the placement of a license on a  
13 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
14 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding  
15 against, the licensee or to render a decision suspending or revoking the license."

16          6.     Section 4301 of the Code states:

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

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

25           (i) The conviction of a crime substantially related to the qualifications, functions, and duties  
26 of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
3 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
4 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
5 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
7 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
8 of this provision. The board may take action when the time for appeal has elapsed, or the  
9 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
10 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
11 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
12 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
13 indictment.

#### 14 COST RECOVERY

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

#### 19 FIRST CAUSE FOR DISCIPLINE

##### 20 (Substantially Related Criminal Conviction)

21 8. Respondent is subject to disciplinary action under section 4301, subsection (I), in that  
22 on or about August 12, 2013, in Tulare County Superior Court in the case entitled *People v.*  
23 *Justin William Knowles*, case number VCM283290, Respondent was convicted of violating  
24 Vehicle Code section 23152(a), driving under the combined influence of alcohol and drugs, Penal  
25 Code section 242, battery, and Penal Code section 148, subsection (a), paragraph (1), resisting a  
26 peace officer. The circumstances are as follows:

27 9. On or about March 31, 2013, Respondent was traveling northbound on a well-traveled  
28 surface street in Tulare County where the speed limit is 40 miles per hour. Respondent was



1 driving at approximately 80-90 miles per hour and using the southbound lanes to pass slower  
2 northbound traffic. Ultimately, Respondent lost control of his vehicle, which crashed into a fence.  
3 A witness attempted to obtain Respondent's keys. Respondent punched the witness several times  
4 in the head. Police officers arrived on scene, and Respondent struggled with them as well.  
5 Respondent was observed attempting to swallow handfuls of unidentified pills.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Self-Administration of Controlled Substance and Alcohol to an Extent or in a**  
8 **Manner Dangerous to Self or Others)**

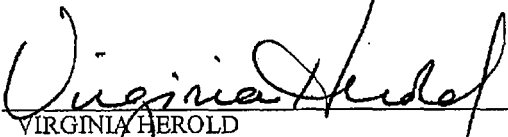
9 10. Respondent is subject to disciplinary action under section 4301, subsection (h), in that  
10 on or about March 31, 2013, Respondent consumed phenobarbital and alcohol prior to driving a  
11 vehicle on a public roadway as set forth in paragraph 9, above.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacist Number 63427, issued to Justin William Knowles;  
16 2. Ordering Justin William Knowles 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: 10/3/13

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

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