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

In the Matter of the Accusation Against:

Case No. 5057

SCOTT DEAN HUFT 2629 E. Rockledge Road Phoenix, AZ 85048

Pharmacist License Number RPH 41154

Respondent.

DECISION AND ORDER

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

This decision shall become effective on January 19, 2015.

It is so ORDERED on January 12, 2015.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

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1	Kamala D. Harris	
2	Attorney General of California JANICE K. LACHMAN	
3	Supervising Deputy Attorney General ANAHITA S. CRAWFORD	
4	Deputy Attorney General	
	State Bar No. 209545 1300 I Street, Suite 125	
5	P.O. Box 944255 Sacramento, CA 94244-2550	
6	Telephone: (916) 322-8311 Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
8		RE THE PHARMACY
9		CONSUMER AFFAIRS CALIFORNIA
10	 	7
11	In the Matter of the Accusation Against:	Case No. 5057
12	SCOTT DEAN HUFT	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC
13	2629 E. ROCKLEDGE ROAD PHOENIX, AZ 85048	REPROVAL
14	Pharmacist License Number RPH 41154	[Bus. & Prof. Code § 495]
15	Dowowday	
1	Respondent	
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16 17		
		REED by and between the parties to the above-
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17 18	IT IS HEREBY STIPULATED AND AG entitled proceedings that the following matters a	REED by and between the parties to the above-
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3. On or about August 20, 1987, the Board of Pharmacy issued Pharmacist License No. 1 RPH 41154 to Scott Dean Huft (Respondent). The Pharmacist License was on inactive status at 2 all times relevant to the charges brought in Accusation No. 5057 and will expire on April 30, 3 2015, unless renewed, 4 5 **JURISDICTION** 4. Accusation No. 5057 was filed before the Board of Pharmacy (Board), Department of 6 Consumer Affairs and is currently pending against Respondent. The Accusation and all other 7 statutorily required documents were properly served on Respondent on August 5, 2014. 8 9 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 5057 is attached as exhibit A and incorporated herein by reference. 10 ADVISEMENT AND WAIVERS 11 5. Respondent has carefully read, and understands the charges and allegations in 12

Accusation No. 5057. Respondent has also carefully read, and understands the effects of this
Stipulated Settlement and Disciplinary Order for Public Reproval.

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

21 Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation
No. 5057.

27 9. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
28 to be bound by the Disciplinary Order below.

1	CIRCUMSTANCES IN MITIGATION	
2	10. Respondent Scott Dean Huft has never before been the subject of any disciplinary	
3	action in California. He is admitting responsibility at an early stage in the proceedings.	
4	<u>CONTINGENCY</u>	
5	11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent	
6	understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may	
7	communicate directly with the Board regarding this stipulation and settlement, without notice to	:
8	or participation by Respondent. By signing the stipulation, Respondent understands and agrees	
9	that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the	
10	Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and	ļ
11	Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force	
12	or effect, except for this paragraph, it shall be inadmissible in any legal action between the	
13	parties, and the Board shall not be disqualified from further action by having considered this	
14	matter.	
15	12. The parties understand and agree that Portable Document Format (PDF) and facsimile	
16	copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including	l
17	Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and	
18	effect as the originals.	
19	13. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by	
20	the parties to be an integrated writing representing the complete, final, and exclusive embodiment	
21	of their agreement. It supersedes any and all prior or contemporaneous agreements,	
22	understandings, discussions, negotiations, and commitments (written or oral). This Stipulated	
23	Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,	
24	supplemented, or otherwise changed except by a writing executed by an authorized representative	
25	of each of the parties.	
26	14. In consideration of the foregoing admissions and stipulations, the parties agree that	
27	the Board may, without further notice or formal proceeding, issue and enter the following	
28	Disciplinary Order:	
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DISCIPLINARY ORDER

1	PIDON IMAGENTICAL
2.	IT IS HEREBY ORDERED that Pharmacist License No. RPH 41154 issued to Respondent
··· ···· ··· ··· ··· ·3···	Scott Dean Huft (Respondent) shall, by way of letter from the Board's Executive Officer, be
	publicly reproved. The letter shall be in the same form as the letter attached as Exhibit B to this
	stipulation.
б	IT IS FURTHER ORDERED that Respondent shall pay \$922.50 to the Board for its costs
7	associated with the investigation and enforcement of this matter. Respondent shall be permitted
	to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board
	costs as ordered, Respondent shall not be allowed to renew his Pharmacist License until
10	Respondent pays costs in full.
	ACCEPTANCE
12	I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval.
- 13	I understand the stipulation and the effect it will have on my Pharmacist License. I enter into
14	this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and
	intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.
	michigenty, and agree to be bound by the Decision and Order of the Board of Finantiacy.
16	DATED: 9/28/2014 Suband At Right
. 17	SCOTT DEAN HUFT
	Respondent
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	STIPULATED SETTLEMENT (5057)

ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs, Dated: 12. 6.14 Respectfully submitted, KAMALA D. HARRIS Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General Ð ANAHITAS. CRAWFORD Deputy Attorney General Attorneys for Complainant SA2014114271 11446367.doc STIPULATED SEITLEMENT (5057)

Exhibit A

Accusation No. 5057

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1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General ANAHITA S. CRAWFORD Deputy Attorney General State Bar No. 209545 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 322-8311 Facsimile: (916) 327-8643 Attorneys for Complainant	
8		RE THE BOARD OF PHARMACY
9-		CONSUMER AFFAIRS CALIFORNIA
10		7
11	In the Matter of the Accusation Against:	Case No. 5057
12	SCOTT DEAN HUFT 2629 E. ROCKLEDGE ROAD	
13	PHOENIX, AZ 85048	ACCUSATION
14	Pharmacist License Number RPH 41154	
15	Respondent.	
16 17		
18	Complainant alleges:	
	PARTIES	
19		RTIES
19 20	PAR	RTIES rings this Accusation solely in her official
19 20 21	PAR	rings this Accusation solely in her official
20	PAR 1. Virginia K. Herold (Complainant) b capacity as the Executive Officer of the Californ	rings this Accusation solely in her official
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. 1		4. Section 4300 of the Code states:
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,
4		whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
5		. (1) Suspending judgment.
6		(2) Placing him or her upon probation.
7		(3) Suspending his or her right to practice for a period not exceeding one year.
8		(4) Revoking his or her license.
9 -	· · · ·	(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.
10		
11		(e) The proceedings under this article shall be conducted in accordance with
12	i	Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The
13		action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.
14		5. Section 4300.1 of the Code states:
15	i.	The everytics consultation forfaiture or evenencian of a board issued linear
16		The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a
17 18		licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.
ĺ		STATUTORY PROVISIONS
19		
20		6. Section 4301 of the Code states:
21		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
22		misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
23		· · · · · · · · · · · · · · · · · · ·
24		(n) The revocation, suspension, or other discipline by another state of a license
25		to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.
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1	<u>COST_RECOVERY</u>
2	7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3	administrative law judge to direct a licentiate found to have committed a violation or violations of
4	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5	enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6	renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7	included in a stipulated settlement.
8	CAUSE FOR DISCIPLINE
9.	(Out of State Discipline)
10	8. Respondent is subject to disciplinary action under section 4301 (n) in that on or about
11	August 17, 2005, Respondent entered into a Consent Agreement and Order for Suspension and
12	Probation before the Arizona State Board of Pharmacy In the Matter of: Scott Dean Huft, RPh.
13	Holder of License No. 8864, For the Practice of Pharmacy, In the State of Arizona. On August
14	17, 2005, Respondent's license was ordered suspended for 6-12 months, and thereafter placed on
15	probation for 4-4 1/2 years from the final date of suspension. Respondent's probation was
16	successfully completed and terminated effective September 15, 2010. The circumstances that led
17	to his discipline in Arizona are as follows:
18	a. On March 29, 1991, Respondent's Pharmacist I icense was placed on probation for
19	five years due to his use of controlled substances without valid prescription. Respondent
20	successfully completed the Board rehabilitation program and his probation was terminated on
21	April 17, 1996.
22	b. From October 2, 2000 to May 24, 2005, Respondent was employed as pharmacist in
23	charge at Albertson's Pharmacy. On May 19, 2005, Respondent admitted that he stole about 200
24	tablets of hydrocodone 10 mg with APAP 325 mg tablets from Albertson's Pharmacy the month
25	preceding May 19, 2005 without a valid prescription. Audits for drugs were performed from May
26	2, 2004 through May 24, 2005 and revealed almost 24,000 tablets missing of hydrocodone 10 mg
27	with APAP 325 mg and almost 3,000 tablets missing of hydrocodone 10 mg APAP 500 mg.
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1	DISCIPLINE CONSIDERATIONS	
2	9. To determine the degree of discipline, if any, to be imposed on Respondent,	
3	Complainant alleges that on or about May 6, 1994, in a prior disciplinary action entitled In the	
4	Matter of the Accusation Against Scott Dean Huft, before the California State Board of	
5	Pharmacy, in Case Number 1684, Respondent's license was placed on probation for three years	
6	based on the Arizona discipline imposed on March 29, 1991. That decision is now final and is	
7	incorporated by reference as if fully set forth.	
8	PRAYER	
	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	-
10	and that following the hearing, the California State Board of Pharmacy issue a decision:	
11	1. Revoking or suspending Pharmacist License Number RPH 41154, issued to Scott	
12	Dean Huft	
13	2. Ordering SCOTT DEAN HUFT to pay the California State Board of Pharmacy the	
14	reasonable costs of the investigation and enforcement of this case, pursuant to Business and	
15	Professions Code section 125.3;	
16	3. Taking such other and further action as deemed necessary and proper.	
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19	z = z = z = z = z = z = z = z = z = z =	
·20·	DATED: / 3/14 (Conconficed)	
21	Executive Officer California State Board of Pharmacy	
22	State of California Complainant	
23		
24	SA2014114271 11390551.doc	
25		ļ
26		
27		
28		
	4	
	Accusation	†

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Exhibit B

Letter of Public Reproval in Case No. 5057

California State Board of Pharmacy 1625 N. Market Blvd, N219, Sacramento, CA 95834 Phone: (916) 574-7900 Fax: (916) 574-8618 www.pharmacy.ca.gov

January 12, 2015

Scott Dean Huft 2629 E. Rockledge Road Phoenix, Az 85048

Re: LETTER OF PUBLIC REPROVAL In the Matter of the Accusation Against: Scott Dean Huft, Pharmacist License No. RPH 41154

Dear Mr. Huft:

On July 13, 2014, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacist License. The Accusation alleged that you engaged in unprofessional conduct under section 4301 (n) in that on or about August 17, 2005, you entered into a Consent Agreement and Order for Suspension and Probation before the Arizona State Board of Pharmacy *In the Matter of: Scott Dean Huft, RPh. Holder of License No.* 8864, For the Practice of Pharmacy, In the State of Arizona. On August 17, 2005, your license was ordered suspended for 6-12 months, and thereafter placed on probation for 4-4 ½ years from the final date of suspension. Your probation was successfully completed and terminated effective September 15, 2010.

Taking into consideration that the incidents on which the Arizona discipline was based occurred 9 years ago and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a pharmacist, the Board has decided that the charges warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs issues this letter of public reproval.

Sincerely,

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VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs