

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

In the Matter of the Accusation Against:

**SCOTT CHRISTOPHER WEST
12894 Woodlake Rd.
Grass Valley, CA 95949**

Pharmacist License No. RPH 49493

Respondent.

Case No. 5072

OAH No. 2014050448

DECISION AND ORDER

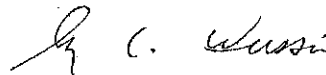
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on March 25, 2015.

It is so ORDERED on March 18, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER, Board President

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

11 In the Matter of the Accusation Against:

12 **SCOTT CHRISTOPHER WEST**
13 **12894 Woodlake Rd.**
14 **Grass Valley, CA 95949**

15 **Pharmacist License No. RPH 49493**

16 Respondent.

Case No. 5072

OAH No. 2014050448

17
18 **STIPULATED SETTLEMENT AND**
19 **DISCIPLINARY ORDER**

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

22 PARTIES

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

27 2. Respondent Scott Christopher West ("Respondent") is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

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1 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
2 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

3 CONTINGENCY

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

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

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 49493 issued to Scott
3 Christopher West (Respondent) is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for five (5) years on the following terms and conditions.

5 **1. Obey All Laws**

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

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

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

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

20 **2. Report to the Board**

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

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of Respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

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

14 **6. Notice to Employers**

15 During the period of probation, Respondent shall notify all present and prospective
16 employers of the decision in case number 5072 and the terms, conditions, and restrictions
17 imposed on Respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed
22 individual(s) has/have read the decision in case number 5072, and terms and conditions imposed
23 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
24 supervisor(s) submit timely acknowledgment(s) to the board.

25 If Respondent works for or is employed by or through a pharmacy employment service,
26 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the board of the terms and conditions of the decision in case number 5072 in advance
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1 of Respondent commencing work at each licensed entity. A record of this notification must be
2 provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of Respondent undertaking any new employment by or through a pharmacy
5 employment service, Respondent shall cause his direct supervisor with the pharmacy employment
6 service to report to the board in writing acknowledging that he/she has read the decision in case
7 number 5072 and the terms and conditions imposed thereby. It shall be Respondent's
8 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
9 acknowledgment(s) to the board.

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

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

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

19 During the period of probation, Respondent shall not supervise any intern pharmacist, be
20 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
21 board, nor serve as a consultant unless otherwise specified in this order. Assumption of any such
22 unauthorized supervision responsibilities shall be considered a violation of probation. However,
23 in consideration of the fact that Respondent has been working as a Pharmacist-in-Charge for the
24 past ten years, Respondent will be allowed to continue working as a Pharmacist-in-Charge so
25 long as he is deemed safe to work as a Pharmacist-in-Charge by MAXIMUS, as part of
26 Respondent's enrollment in the Pharmacist Recovery Program.

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1 **8. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, Respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$952.50. Respondent shall make
4 said payment according to a payment plan approved by the board.

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

8 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
9 reimburse the board its costs of investigation and prosecution.

10 **9. Probation Monitoring Costs**

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

15 **10. Status of License**

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

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

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

24 Following the effective date of this decision, should Respondent cease practice due to
25 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
26 Respondent may tender his license to the board for surrender. The board or its designee shall
27 have the discretion whether to grant the request for surrender or take any other action it deems
28 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent

1 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
2 record of discipline and shall become a part of Respondent's license history with the board.

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

9 **12. Notification of a Change in Name, Residence Address, Mailing Address, or**
10 **Employment**

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

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

18 **13. Tolling of Probation**

19 Except during periods of suspension, Respondent shall, at all times while on probation, be
20 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
21 month during which this minimum is not met shall toll the period of probation, i.e., the period of
22 probation shall be extended by one month for each month during which this minimum is not met.
23 During any such period of tolling of probation, Respondent must nonetheless comply with all
24 terms and conditions of probation.

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

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

6 "Cessation of practice" means any calendar month during which Respondent is
7 not practicing as a pharmacist for at least 40 hours, as defined by Business and
8 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
9 month during which Respondent is practicing as a pharmacist for at least 40 hours as
10 a pharmacist as defined by Business and Professions Code section 4000 et seq.

11 **14. Violation of Probation**

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

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

24 **15. Completion of Probation**

25 Upon written notice by the board or its designee indicating successful completion of
26 probation, Respondent's license will be fully restored.

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1 **16. Pharmacists Recovery Program (PRP)**

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

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

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

13 Probation shall be automatically extended until Respondent successfully completes the
14 PRP. Any person terminated from the PRP program shall be automatically suspended by the
15 board. Respondent may not resume the practice of pharmacy until notified by the board in
16 writing.

17 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
18 licensed practitioner as part of a documented medical treatment shall result in the automatic
19 suspension of practice by Respondent and shall be considered a violation of probation.
20 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

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

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

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

12 **17. Random Drug Screening**

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

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

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

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

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

17 **18. Abstain from Drugs and Alcohol Use**

18 Respondent shall completely abstain from the possession or use of alcohol, controlled
19 substances, dangerous drugs and their associated paraphernalia except when the drugs are
20 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
21 request of the board or its designee, Respondent shall provide documentation from the licensed
22 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
23 treatment of Respondent. Failure to timely provide such documentation shall be considered a
24 violation of probation. Respondent shall ensure that he is not in the same physical location as
25 individuals who are using illicit substances even if Respondent is not personally ingesting the
26 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
27 not supported by the documentation timely provided, and/or any physical proximity to persons
28 using illicit substances, shall be considered a violation of probation.

1 **19. Prescription Coordination and Monitoring of Prescription Use**

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

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

27 During suspension, Respondent shall not enter any pharmacy area or any portion of the
28 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of

1 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
2 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
3 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
4 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
5 board, or have access to or control the ordering, manufacturing, or dispensing of dangerous drugs
6 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

15 **20. Community Services Program**

16 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
17 board or its designee, for prior approval, a community service program in which Respondent shall
18 provide free health-care related services on a regular basis to a community or charitable facility or
19 agency for at least 48 hours per year for the first three years of probation. Within thirty (30) days
20 of board approval thereof, Respondent shall submit documentation to the board demonstrating
21 commencement of the community service program. A record of this notification must be
22 provided to the board upon request. Respondent shall report on progress with the community
23 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
24 program 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

1 suspended until a supervisor is approved by the board or its designee. The supervision shall be,
2 as required 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 5072 and is familiar with the required level of supervision as determined
10 by the board or its designee. It shall be 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 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 5072 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
9 any licensed premises in which he holds an interest at the time this decision becomes effective
10 unless 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. Consultant for Owner or Pharmacist-In-Charge**


21 During the period of probation, Respondent shall not supervise any intern pharmacist, or
22 serve as a consultant to any entity licensed by the board. In the event that Respondent is currently
23 the pharmacist-in-charge of a pharmacy, Respondent at his own expense shall retain an
24 independent consultant who shall be responsible for reviewing pharmacy operations on a
25 quarterly basis for compliance by Respondent with state and federal laws and regulations
26 governing the practice of pharmacy and for compliance by Respondent with the obligations of a
27 pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not on probation with
28 the board and whose name shall be submitted to the board or its designee, for prior approval.

1 Within thirty (30) days of the effective date of this decision. Respondent shall not be a
2 pharmacist-in-charge at more than one pharmacy or at any pharmacy of which he or she is not the
3 current PIC. The board may, in case of an employment change by Respondent or for other
4 reasons as deemed appropriate by the board or its designee, preclude Respondent from acting as a
5 pharmacist-in-charge. Failure to timely retain, seek approval of, or ensure timely reporting by the
6 consultant shall be considered a violation of probation.

7 ACCEPTANCE

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

12
13 DATED: 2/17/15


14 SCOTT CHRISTOPHER WEST
Respondent

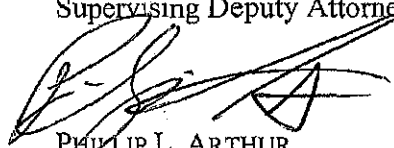
15 ENDORSEMENT

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

18
19 Dated: 2/17/15

Respectfully submitted,

20 KAMALA D. HARRIS
Attorney General of California
21 KENT D. HARRIS
Supervising Deputy Attorney General


22
23 PHILLIP L. ARTHUR
24 Deputy Attorney General
Attorneys for Complainant

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Exhibit A
Accusation No. 5072

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

11 In the Matter of the Accusation Against:

Case No. 5072

12 **SCOTT CHRISTOPHER WEST**
13 **12894 Woodlake Rd.**
Grass Valley, CA 95949

ACCUSATION

14 **Pharmacist License No. RPH 49493**

15 Respondent.
16

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, Department of Consumer Affairs.

22 2. On or about August 18, 1997, the Board of Pharmacy issued Pharmacist License
23 Number RPH 49493 to Scott Christopher West (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on December
25 31, 2014, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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

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

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

7 5. Section 4300.1 of the Code states:

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

13 **STATUTORY PROVISIONS**

14 6. Section 4301 of the Code states, in pertinent part:

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

18 "...

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

24 "...

25 "(i) The conviction of a crime substantially related to the qualifications, functions, and
26 duties 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
4 to 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 REGULATION

15 7. California Code of Regulations, title 16, section 1770, states:

16 "For the purpose of denial, suspension, or revocation of a personal or facility license
17 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
18 crime or act shall be considered substantially related to the qualifications, functions or duties of a
19 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
20 licensee or registrant to perform the functions authorized by his license or registration in a manner
21 consistent with the public health, safety, or welfare."

22 COST RECOVERY

23 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
28 included in a stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Conviction of Crime)**

3 9. Respondent is subject to disciplinary action under section 4301(f) of the Code in that
4 Respondent has been convicted of a crime that is substantially related to his qualifications,
5 functions, and duties as a pharmacist. The circumstances are as follows:

6 10. On or about November 4, 2013, in *People v. Scott Christopher West*, Superior Court
7 of California, County of Nevada, case no. M13-001121, Respondent pled nolo contendere to a
8 misdemeanor charge of driving while having a 0.08% or higher blood alcohol (a violation of
9 Vehicle Code section 23152(b)). The court sentenced Respondent to three years of probation, ten
10 days in jail, and ordered Respondent to pay a fine, enroll in and complete a nine-month first
11 offender program, and submit to chemical testing of his blood/breath for the detection of alcohol
12 at the request of a peace/probation officer. The circumstances of this conviction are as follows:

13 a. On or about July 13, 2013, a California Highway Patrol (CHP) Officer received a
14 radio call for a suspected traffic collision. When the Officer responded to the scene of the
15 suspected collision, he was informed that the Nevada County Sheriff's Department had responded
16 to a residence, where the driver of the vehicle involved in the suspected collision (Respondent)
17 was reported to be. The CHP Officer went to the residence and contacted Respondent. The CHP
18 Officer immediately smelled the odor of alcohol emitting from Respondent. As Respondent stood
19 up and walked to the porch, he had an unsteady gait. Respondent admitted to drinking a pint of
20 Vodka while driving home from Auburn. The Officer observed that Respondent's eyes were red
21 and watery, and his speech was slurred. Respondent stated that he purchased the vodka in Auburn
22 and started drinking while driving home. Respondent stated that while driving home, he believed
23 he got stuck in a ditch in Lincoln. Respondent stated that he did not drink any alcohol once he
24 arrived home because he does not keep any alcohol in the house, and that he had not consumed
25 any alcohol after the ditch incident. The Officer administered several field sobriety tests, which
26 Respondent failed to complete. The Officer arrested Respondent and transported him to the Grass
27 Valley CHP Office where two vials of blood were taken from Respondent, which revealed
28

1 Respondent's blood alcohol content was 0.28%. Respondent was booked into the Nevada County
2 Jail for driving under the influence of alcohol.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Use of Alcoholic Beverages to the Extent or in a Manner as to be**
5 **Dangerous or Injurious to Oneself or Others)**

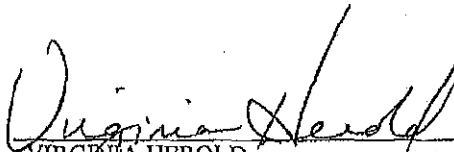
6 11. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
7 on July 13, 2013, Respondent used alcoholic beverages to the extent or in a manner as to be
8 dangerous or injuries to himself and the public, and to the extent that the use impaired
9 Respondent's ability to conduct with safety to the public the practice of a pharmacist, as set forth
10 in more particularity in paragraph 10(a).

11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacist License Number RPH 49493, issued to Scott
15 Christopher West;
- 16 2. Ordering Scott Christopher West 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; and
- 19 3. Taking such other and further action as deemed necessary and proper.

20
21
22 DATED: 4/15/14


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

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