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

In the Matter of the Petition to Revoke
Probation Against:
TERRI RENE CIRVES
PO BOX 1085
Needles, CA 92363

Pharmacist License No. RPH 40376

Respondent.

Case No. 5863

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 23, 2017, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Petition to Revoke Probation No. 5863 against Terri Rene Cirves (Respondent) before the Board of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about October 20, 1986, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 40376 to Respondent., The Pharmacist License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 5863 and expired on July 31, 2016, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 4300.1 does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1 3. On or about February 3, 2017, Respondent was served by Certified and First Class
2 Mail copies of the Petition to Revoke Probation No. 5863, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 4100, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: PO Box 1085, Needles, CA 92363.

7 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
9 Code section 124.

10 5. On or about February 13, 2017, the aforementioned documents were returned by the
11 U.S. Postal Service marked "return to sender- box closed."

12 6. On or about February 28, 2017, Respondent was served by Certified and First Class
13 Mail copies of the Petition to Revoke Probation No. 5863, Statement to Respondent, Notice of
14 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
15 11507.6, and 11507.7) at the following additional address on file with the Board:
16 5400 National Old Trail Rd, Space 62, Needles, CA 92363.

17 7. Service of the Petition to Revoke Probation was effective as a matter of law under the
18 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
19 Code section 124.

20 8. On or about March 16, 2017, the aforementioned documents were returned by the
21 U.S. Postal Service marked "return to sender-attempted not known."

22 9. Government Code section 11506(c) states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the respondent
24 files a notice of defense . . . and the notice shall be deemed a specific denial of all
25 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
26 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
27 discretion may nevertheless grant a hearing.

28 10. Respondent failed to file a Notice of Defense within 15 days after service upon her of
the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
Petition to Revoke Probation No. 5863.

1 11. California Government Code section 11520(a) states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense . . . or to appear at
3 the hearing, the agency may take action based upon the respondent's express
4 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent

5 12. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
10 5863, finds that the charges and allegations in Petition to Revoke Probation No. 5863, are
11 separately and severally, found to be true and correct by clear and convincing evidence.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Respondent Terri Rene Cirves has subjected
14 her Pharmacist License No. RPH 40376 to discipline.

15 2. The agency has jurisdiction to adjudicate this case by default.

16 3. The Board of Pharmacy is authorized to revoke Respondent's probation based upon
17 the following violations alleged in the Petition to Revoke Probation which are supported by the
18 evidence contained in the Default Decision Evidence Packet in this case:

19 a. Respondent's probation is subject to revocation because she failed to comply with
20 Probation Condition 17, Comply with Pharmacist Recovery Program, as follows:

21 i. On May 9, 2016, Respondent initially contacted the PRP program and
22 completed an intake. During intake, Respondent was directed to enroll in FirstLab for random
23 drug screening within forty-eight hours. Respondent failed to enroll in FirstLab within forty-
24 eight hours, or at any time while participating in PRP.

25 ii. On May 17, 2016, Respondent failed to appear for her scheduled clinical
26 assessment.

27 iii. On May 20, 2016, Respondent failed to respond to a voice mail directing her to
28 contact PRP by May 23, 2016, regarding her program compliance.

52429928.DOCX

DOJ Matter ID:LA2016601425

Attachment:

Exhibit A: Petition to Revoke Probation

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Exhibit A

Petition to Revoke Probation

(TERRI RENE CIRVES)

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 5863

13 **TERRI RENE CIRVES**
14 PO BOX 1085
Needles, CA 92363

PETITION TO REVOKE PROBATION

15 Pharmacist License No. RPH 40376

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
22 Consumer Affairs.

23 2. On or about October 20, 1986, the Board issued Pharmacist License No. RPH 40376
24 to Terri Rene Cirves (Respondent). The Pharmacist License was in effect at all times relevant to
25 the charges brought herein and expired on July 31, 2016.

26 3. In a disciplinary action entitled "*In the Matter of Accusation Against Terri Rene*
27 *Cirves*," Case No. 5396, the Board of Pharmacy, issued a decision, effective March 17, 2016, in
28 which Respondent's Pharmacist License was revoked. However, the revocation was stayed and

1 Respondent's Pharmacist License placed on probation for a period of five (5) years with certain
2 terms and conditions. A copy of that decision is attached as **Exhibit A** and is incorporated by
3 reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),
6 Department of Consumer Affairs, under the authority of the following laws. All section references
7 are to the Business and Professions Code unless otherwise indicated.

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

10 6. Section 4300.1 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 7. The Petition to Revoke Probation is brought before the Board under Probation
17 Term and Condition 15 of the Decision and Order "*In the Matter of Accusation Against Terri*
18 *Rene Cirves*," Case No. 5396. That term and condition states:

19 **Violation of Probation**

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

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

1 FIRST CAUSE TO REVOKE PROBATION

2 (Failure to Comply with Pharmacist Recovery Program)

3 8. At all times after the effective date of Respondent's probation, Condition 17 stated:

4 **Pharmacists Recovery Program (PRP)**

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

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

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

19 Probation shall be automatically extended until respondent successfully completes the
20 PRP. Any person terminated from the PRP program shall be automatically suspended
21 by the board. Respondent may not resume the practice of pharmacy until notified by
22 the board in writing.

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

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

During suspension, respondent shall not engage in any activity that requires the

1 professional judgment of a pharmacist. Respondent shall not direct or control any
2 aspect of the practice of pharmacy. Respondent shall not perform the duties of a
3 pharmacy technician or a designated representative for any entity licensed by the
4 board.

5 Subject to the above restrictions, respondent may continue to own or hold an interest
6 in any licensed premises in which she holds an interest at the time this decision
7 becomes effective 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
10 not timely paid to the PRP shall constitute a violation for probation. The board will
11 collect unpaid administrative fees as part of the annual probation monitoring costs if
12 not submitted to the PRP.

13 9. Respondent's probation is subject to revocation because she failed to comply with
14 Probation Condition 17, referenced above. The facts and circumstances regarding this violation
15 are as follows:

16 a. On May 9, 2016, Respondent initially contacted the PRP program and completed an
17 intake. During intake, Respondent was directed to enroll in FirstLab for random drug screening
18 within forty-eight hours. Respondent failed to enroll in FirstLab within forty-eight hours, or at any
19 time while participating in PRP.

20 b. On May 17, 2016, Respondent failed to appear for her scheduled clinical assessment.

21 c. On May 20, 2016, Respondent failed to respond to a voice mail directing her to
22 contact PRP by May 23, 2016, regarding her program compliance.

23 d. On May 25, 2016, Respondent was terminated from the PRP program as a public risk
24 for failure to complete a clinical evaluation, failure to enroll with FirstLab in random drug testing,
25 failure to submit a negative drug sample, and failure to comply with PRP program requirements.

26 SECOND CAUSE TO REVOKE PROBATION

27 (Failure to Submit to Random Drug Screening)

28 10. At all times after the effective date of Respondent's probation, Condition 18 stated:

Random Drug Screening

Respondent, at her own expense, shall participate in random testing, including but not
limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or
other drug screening program as directed by the board or its designee. Respondent

1 may be required to participate in testing for the entire probation period and the
2 frequency of testing will be determined by the board or its designee. At all times,
3 respondent shall fully cooperate with the board or its designee, and shall, when
4 directed, submit to such tests and samples for the detection of alcohol, narcotics,
5 hypnotics, dangerous drugs or other controlled substances as the board or its designee
6 may direct. Failure to timely submit to testing as directed shall be considered a
7 violation of probation. Upon request of the board or its designee, respondent shall
8 provide documentation from a licensed practitioner that the prescription for a detected
9 drug was legitimately issued and is a necessary part of the treatment of the respondent.
Failure to timely provide such documentation shall be considered a violation of
probation. Any confirmed positive test for alcohol or for any drug not lawfully
prescribed by a licensed practitioner as part of a documented medical treatment shall
be considered a violation of probation and shall result in the automatic suspension of
practice of pharmacy by respondent. Respondent may not resume the practice of
pharmacy until 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
12 distributor of drugs which is licensed by the board, or any manufacturer, or where
13 dangerous drugs and devices or controlled substances are maintained. Respondent
14 shall not practice pharmacy nor do any act involving drug selection, selection of stock,
15 manufacturing, compounding, dispensing or patient consultation; nor shall respondent
16 manage, administer, or be a consultant to any licensee of the board, or have access to
17 or control the ordering, manufacturing or dispensing of dangerous drugs and
18 controlled substances. Respondent shall not resume practice until notified by the
19 board.

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

25 Subject to the above restrictions, respondent may continue to own or hold an interest
26 in any licensed premises in which she holds an interest at the time this decision
27 becomes effective unless otherwise specified in this order.

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

11. Respondent's probation is subject to revocation because she failed to comply with
Probation Condition 18, referenced above. The facts and circumstances regarding this violation
are that Respondent failed to enroll in FirstLab within forty-eight hours of her initial intake for
random drug screening, or at any time while participating in PRP, and did not submit any samples
for drug testing while participating in PRP.

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PRAYER

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

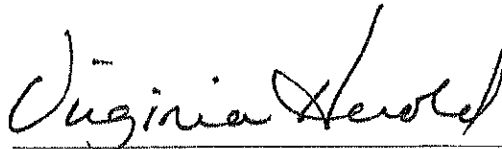
1. Revoking the probation that was granted by the Board in Case No. 5396 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 40376 issued to Terri Rene Cirves;

2. Revoking or suspending Pharmacist License No. RPH 40376, issued to Terri Rene Cirves; and

3. Taking such other and further action as deemed necessary and proper.

DATED: _____

1/23/17



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

LA2016601425
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Exhibit A

Decision and Order

Board of Pharmacy Case No. 5396

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

In the Matter of the Accusation Against:

TERRI RENE CIRVES
1325 ½ E Ocean Blvd,
Long Beach, CA 90802

Pharmacist License No. RPH 40376

Respondent.

Case No. 5396

OAH No. 2015110023

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

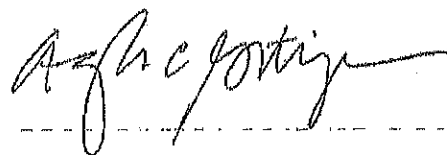
DECISION AND ORDER

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 17, 2016.

It is so ORDERED on February 16, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

I, SUSAN CAPPELLO, AM A DULY QUALIFIED WITNESS
AND HAVE AUTHORITY TO CERTIFY THE RECORDS
PROVIDED BY THE BOARD AND DO HEREBY CERTIFY
THAT THESE DOCUMENTS ARE TRUE AND CORRECT
COPIES OF RECORDS FROM THE FILES OF THIS AGENCY.



SUSAN CAPPELLO
Manager
California State Board of Pharmacy

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
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**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5396

12 **TERRI RENE CIRVES**
20207 34th Place W.
13 Lynnwood, CA 98036

OAH No. 2015110023

14 Pharmacist License No. RPH 40376

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
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. Jarvis, Deputy Attorney
23 General.

24 2. On or about October 20, 1986, the Board of Pharmacy issued Original Pharmacist
25 License No. RPH 40376 to Terri Rene Cirves (Respondent). The Original Pharmacist License
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 5396
27 and will expire on July 31, 2016, unless renewed.

28 ///

1 Respondent is placed on probation for five (5) years on the following terms and conditions.

2 **1. Suspension**

3 As part of probation, respondent is suspended from the practice of pharmacy for forty-five
4 (45) days beginning the effective date of this decision.

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

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

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

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

21 **2. Obey All Laws**

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

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

- 25 • an arrest or issuance of a criminal complaint for violation of any provision of the
26 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
27 substances laws

28 ///

- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 2 criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state or federal agency
- 5 which involves respondent's pharmacist license or which is related to the practice of
- 6 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 7 for any drug, device or controlled substance.

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

9 **3. Report to the Board**

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

18 **4. Interview with the Board**

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

24 **5. Cooperate with Board Staff**

25 Respondent shall cooperate with the board's inspection program and with the board's
26 monitoring and investigation of respondent's compliance with the terms and conditions of her
27 probation. Failure to cooperate shall be considered a violation of probation.

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6. Continuing Education

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

7. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 5396 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 5396, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the board of the terms and conditions of the decision in case number 5396 in advance of the respondent commencing work at each licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that she has read the decision in case number 5396 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

11 **9. Reimbursement of Board Costs**

12 As a condition precedent to successful completion of probation, respondent shall pay to the
13 board its costs of investigation and prosecution in the amount of \$1,973.50. Respondent shall be
14 allowed to make payments on a schedule approved in writing by the Board or its designee.

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

18 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
19 reimburse the board its costs of investigation and prosecution.

20 **10. Probation Monitoring Costs**

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

25 **11. Status of License**

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

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

5 **12. License Surrender While on Probation/Suspension**

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

13 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to
14 the board within ten (10) days of notification by the board that the surrender is accepted.
15 Respondent may not reapply for any license from the board for three (3) years from the effective
16 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
17 of the date the application for that license is submitted to the board, including any outstanding
18 costs.

19 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
20 **Employment**

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

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

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1 **14. Tolling of Probation**

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

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

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

16 "Cessation of practice" means any calendar month during which respondent is
17 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
18 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
19 month during which respondent is practicing as a pharmacist for at least forty (40)
20 hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

19 **15. Violation of Probation**

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

25 If respondent violates probation in any respect, the board, after giving respondent notice
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
27 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
28 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

1 a petition to revoke probation or an accusation is filed against respondent during probation, the
2 board shall have continuing jurisdiction and the period of probation shall be automatically
3 extended until the petition to revoke probation or accusation is heard and decided.

4 **16. Completion of Probation**

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

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

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

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

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

19 Probation shall be automatically extended until respondent successfully completes the PRP.
20 Any person terminated from the PRP program shall be automatically suspended by the board.

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

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

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

26 During suspension, respondent shall not enter any pharmacy area or any portion of the
27 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
28 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices

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

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

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

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

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

17 **18. Random Drug Screening**

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

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

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

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

18 Subject to the above restrictions, respondent may continue to own or hold an interest in any
19 licensed premises in which she holds an interest at the time this decision becomes effective unless
20 otherwise specified in this order.

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

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

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

1 violation of probation. Respondent shall ensure that she is not in the same physical location as
2 individuals who are using illicit substances even if respondent is not personally ingesting the
3 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
4 not supported by the documentation timely provided, and/or any physical proximity to persons
5 using illicit substances, shall be considered a violation of probation.

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

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

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

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

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

18 Subject to the above restrictions, respondent may continue to own or hold an interest in any
19 licensed premises in which she holds an interest at the time this decision becomes effective unless
20 otherwise specified in this order.

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

22 **21. Community Services Program**

23 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
24 board or its designee, for prior approval, a community service program in which respondent shall
25 provide free health-care related services on a regular basis to a community or charitable facility or
26 agency for at least sixty-four (64) hours prior to the termination of probation. Within thirty (30)
27 days of board approval thereof, respondent shall submit documentation to the board
28 demonstrating commencement of the community service program. A record of this notification

1 must be provided to the board upon request. Respondent shall report on progress with the
2 community service program in the quarterly reports. Failure to timely submit, commence, or
3 comply with the program shall be considered a violation of probation.

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

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

12 **23. Tolling of Suspension**

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

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

25 **ACCEPTANCE**

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
27 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will
28 have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary

1 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
2 of the Board of Pharmacy.

3
4 DATED: January 19, 2016 
5 TERRI RENE CIRVES
6 Respondent

7 **APPROVAL AS TO FORM AND CONTENT**

8 I have read and fully discussed with Respondent Terri Rene Cirves the terms and conditions
9 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
10 its form and content.

11
12 DATED: January 19, 2016 
13 Ivan Petrzelka
14 Attorney for Respondent

15
16 **ENDORSEMENT**

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

19 Dated: January 20, 2016 Respectfully submitted,
20 KAMALA D. HARRIS
21 Attorney General of California
22 JANICE K. LACHMAN
23 Supervising Deputy Attorney General

24 
25 KRISTINA C. JARVIS
26 Deputy Attorney General
27 Attorneys for Complainant

28 SA2015100581
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Exhibit A

Accusation No. 5396

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
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
9 **BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5396

12 **TERRI RENE CIRVES**
20207 34th Place W.
13 Lynnwood, CA 98036

ACCUSATION

14 **Pharmacist License No. RPH 40376**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about October 20, 1986, the Board issued Pharmacist License Number RPH
22 40376 to Terri Rene Cirves ("Respondent"). The pharmacist license was in full force and effect
23 at all times relevant to the charges brought herein and will expire on July 31, 2016, unless
24 renewed.

25 **JURISDICTION**

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

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

8 COST RECOVERY

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

13 FIRST CAUSE FOR DISCIPLINE

14 (Use of Alcoholic Beverages to an Extent or in a Manner

15 Dangerous or Injurious to Oneself, Others and the Public)

16 8. Respondent is subject to disciplinary action pursuant to section 4301, subdivision (h),
17 for unprofessional conduct, in that Respondent used alcoholic beverages to an extent or in a
18 manner dangerous or injurious to herself, others, and the public, as follows:

19 9. On or about November 6, 2013, at approximately 12:34 p.m., an Oregon State Police
20 officer was dispatched to locate an RV that was traveling southbound on Interstate 5. The police
21 had received two 911 calls from motorists, reporting that the RV was unable to maintain a single
22 lane of travel and had almost crashed into other vehicles and the concrete barrier separating the
23 southbound and northbound lanes of Interstate 5.

24 10. The officer located the RV and observed it weaving badly. The officer initiated a
25 traffic stop on the RV and approached the right front passenger window. The driver, later
26 identified as Respondent, looked dazed and confused. The officer knocked on the passenger
27 window 3 times before Respondent realized he was there. When Respondent rolled down the
28 window, the officer immediately smelled a strong odor of an alcoholic beverage. Respondent's

1 speech was thick and slurred, her eyes were watery and glassy, and she had a disheveled
2 appearance. The officer had Respondent exit the RV. Respondent was unstable on her feet and
3 displayed a constant circular sway. Respondent told the officer that she last consumed alcohol
4 around 6:00 a.m. that morning. The officer attempted to administer field sobriety tests, but
5 Respondent lost her balance and hit her back against the RV. The officer discontinued the tests
6 due to safety concerns. Respondent was placed under arrest for driving under the influence and
7 taken into custody. The officer searched the RV and found two 16 ounce cans of malt liquor.
8 One of the cans was empty and the other was opened and in the driver's side cup holder. During
9 her transport to the detox center, Respondent told the officer that she is a recovering alcoholic and
10 had started drinking again during her trip to Oregon. Respondent submitted two breath samples
11 while at the detox center and was found to have a blood alcohol level of 0.18 percent.

12 11. On or about February 21, 2014, in the criminal proceeding entitled *State of Oregon*
13 *vs. Terri R. Cirves* (Jackson County Circuit Ct., Case No. 14CR02281), Respondent was charged
14 with driving under the influence of intoxicants (DUI) and reckless driving. Respondent
15 petitioned the Court to be admitted into the diversion program. On or about May 8, 2014,
16 Respondent pled nolo contendere to the DUI charge. On or about May 13, 2014, the Court
17 granted Respondent's petition for diversion and withheld entry of judgment of Respondent's
18 conviction pending completion or termination of diversion. The Court ordered that Respondent
19 install an ignition interlock device in any vehicle operated by her during the period of the
20 diversion agreement. Respondent agreed to participate in diversion on and between May 13,
21 2014 and May 12, 2015, and not to use any alcohol or other intoxicant during the term of the
22 diversion agreement.

23 12. On or about June 27, 2014, Officer H. of the Truckee Police Department responded to
24 a report of a van that was observed swerving and dragging an item along the road, causing sparks.
25 Another officer had initiated a traffic enforcement stop on the vehicle. Officer H. arrived on
26 scene while the other officer was contacting the driver, later identified as Respondent. Officer H.
27 looked through the passenger side window and observed an opened bottle of beer sitting between
28 the front seats. The bottle was about half full of liquid. Officer H. contacted Respondent at the

1 driver's door and asked her to step out of the vehicle. When the door was opened, Officer H.
2 observed several empty beer bottles in the door pocket. As Respondent exited the vehicle,
3 Officer H. noticed that she was extremely unsteady on her feet and swayed while standing.
4 Respondent's eyes were glossy and there was a heavy odor of alcohol emitting from her breath as
5 she spoke. Officer H. administered field sobriety tests, then placed Respondent under arrest for
6 driving under the influence of alcohol. Respondent was transported to Tahoe Forest Hospital,
7 where she submitted to a chemical blood test. Respondent's test results showed that she had a
8 blood alcohol of 0.24%.

9 13. On or about October 27, 2014, in the criminal proceeding entitled *People vs. Terri*
10 *Rene Cirves* (Nevada County Super. Ct., Case No. TM14-000432), Respondent was convicted on
11 her plea of nolo contendere of violating Vehicle Code section 23152, subdivision (b) (driving
12 while having a 0.08% or higher blood alcohol), with an enhancement pursuant to Vehicle Code
13 section 23578 (concentration of blood alcohol of 0.15% or more). The imposition of
14 Respondent's sentence was suspended and Respondent was placed on probation for 3 years.
15 Respondent was also ordered to pay a fine in the amount of \$2,258.25, to complete 32 hours of
16 community service, and to complete a 9 month DUI program.

17 SECOND CAUSE FOR DISCIPLINE

18 (Criminal Conviction)

19 14. Respondent is subject to disciplinary action pursuant to section 4301, subdivision (l),
20 in that on or about October 27, 2014, Respondent was convicted of driving while having a 0.08%
21 or higher blood alcohol in violation of Vehicle Code section 23152, subdivision (b), as set forth
22 above, a crime substantially related to the qualifications, functions, and duties of a pharmacist.

23 PRAYER

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

26 1. Revoking or suspending Pharmacist License Number RPH 40376, issued to Terri
27 Rene Cirves;

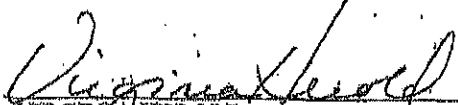
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2. Ordering Terri Rene Cirves to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/12/15



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

SA2015100581